

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1264 of 2024

Arising Out of PS. Case No.-77 Year-2019 Thana- BANMANKHI District- Purnia

RAKESH MANDAL @ RAKESH RANJAN S/O DEVAN MANDAL @
DEVENDRA MANDAL R/O VILLAGE- PIPRA, P.S- BANMANKHI,
DISTT.- PURNEA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. HEERA TATMA S/O LATE PARMESHWARI TATMA R/O VILLAGE-
BISHANPUR, WARD NO. 01, P.S- BANMANKHI, PANCHAYAT- PIPRA,
DISTT.- PURNEA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Viveka Nandsingh, Adv.
For the Respondent	:	Dr. Manoj Kumar, Adv.
		Ms. Preeti Kumari, Adv.
		Ms. Sweety Singh, Adv.
For the State	:	Mr.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-05-2024 Heard learned counsel for the appellant, learned counsel
for the respondent and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 17.02.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No. 77 of 2019 dated 01.04.2019 registered for the alleged offences punishable under Sections 341, 323, 325, 504, 379 read with Section 34 of the Indian Penal Code and Sections 3(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, the appellant along with other co-accused persons stopped the motorcycle of the informant on the point of three-nut. The appellant assaulted the informant with three-nut on the head of the informant. The co-accused, Raushan Mandal assaulted with an iron rod on the leg of the informant and snatched his mobile and Rs. 2500/- from his pocket. The co-accused, Debo Mallah assaulted on the leg of Umesh Das with rod. The co-accused, Ranjan Mandal damaged the motorcycle of the informant. Further, the accused persons demanded Rs. 25,000/- as rangdari and abused him by calling his caste name and threatened to kill him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. The occurrence took place on 21.03.2019 but the F.I.R was lodged on 01.04.2019 after a delay of 11 days and there is no explanation for the same. There is general and omnibus allegation of abusing against the appellant and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As per the injury report of the informant, the informant sustained simple injuries i.e. pain and swelling. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 22.01.2024. The appellant has six criminal antecedents as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well



as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 17.02.2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No. 77 of 2019, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with Banmankhi P.S. Case No. 77 of 2019 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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