

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1399 of 2024**

Arising Out of PS. Case No.-124 Year-2021 Thana- SUPAUL District- Supaul

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FULO MANDAL @ FULEN MANDAL Son of Somi Mandal Resident of Village-Veena, P.S.-Supaul, District-Supaul. Presently residing at H. No. 98, Tekthi Road, Ward No. 2, P.O.-Bhan, District-Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Sinha

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 23-08-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of bail vide order dated 15.02.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Supaul in connection with Supaul P.S. Case No. 124 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 302 of the Indian Penal Code and Section 3(1)(r)(s)(e)(w)(i)(2)(v) of the SC/ST Act.

3. Allegation against the appellant is that he along with other co-accused persons came at the place of occurrence



armed with arms and abused with filthy language taking caste name. It is further alleged that upon saying by co-accused, Devan Mandal, to kill the Mushhar, the appellant and grandson of Somi Mandal started assaulting the husband of the informant with sharp weapon as a result of which the husband of the informant died in hospital.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that the allegation against the appellant is that he was present at the place of occurrence. He further submits that there is no specific overt act against the appellant. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal and has been languishing in custody since 23.12.2022.

5. Learned Spl. PP for the State opposes prayer for bail.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Supaul in connection with Supaul P.S. Case No. 124 of 2021.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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