

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1432 of 2024

Arising Out of PS. Case No.-293 Year-2023 Thana- RUPAULI District- Purnia

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1. KUNKUN MANDAL S/O SAPIN MANDAL R/O VILLAGE- BHIKHNA WARD NO. 7, P.S- RUPOULI (AKBARPUR), DISTT.- PURNEA.
 2. GULJESH MANDAL S/O SAPIN MANDAL R/O VILLAGE- BHIKHNA WARD NO. 7, P.S- RUPOULI (AKBARPUR), DISTT.- PURNEA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PINTU KUMAR S/O BUTAL RAM R/O VILLAGE- BHIKHNA WARD NO. 7, P.S- RAPOULI (AKBARPUR), DISTT.- PURNEA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 08-07-2024 Heard learned counsel for the appellants as well as the learned counsel for the informant.

2. This memo of appeal has been preferred on behalf of the appellants under Section 14(A)(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 22.02.2024, passed by the learned Special Judge, SC/ST Act, Purnea in connection with Rupauli (Akbarpur) P.S.Case No. 293 of 2003, registered for the offences punishable under Sections 341, 323, 379, 427, 504 and 506/34 of the Indian Penal Code and Sections 3(1) (r) (s) of the SC & ST Act, whereby the prayer for bail of the appellants has



been rejected.

3. As per allegation, the appellants assaulted the informant and abused by calling his caste name over parking of e-rickshaw beside the road.

4. The learned counsel for the appellants has submitted that the FIR itself shows that the occurrence had not taken place due to malicious feeling of caste, rather the quarrel between the informant and the appellants had taken place owing to parking of the e-rickshaw of the informant. It has further been submitted that the injuries are simple in nature and the appellants are languishing in prison since 29.01.2024. They are the persons of clean antecedents.

5. On the other hand, the learned counsel for the informant vehemently opposed the prayer for bail by submitting that the appellants assaulted and also abused the informant by calling his caste name.

6. Considering the facts and circumstances, specially the period of incarnation, the appeal is allowed and the impugned order dated 22.02.2024 is set aside. Accordingly, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Special



Judge, SC/ST Act, Purnea in connection with Rupauli
(Akbarpur) P.S.Case No. 293 of 2003.

(Nawneet Kumar Pandey, J)

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