

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2661 of 2024

Arising Out of PS. Case No.-46 Year-2018 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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Guddu Mandal @ Sadanand Mandal, S/o Genalal Mandal, R/o Village-
Dudhaila, P.S.- Sultanganj, Distt-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi, W/o Rajkapoor Paswan R/O Mohalla-Munsipatti,P.S.-
Sultanganj, Distt-Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 02-08-2024

Heard learned counsel for the appellant and learned
Spl.PP 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 refusal of prayer for bail vide
order dated 08.04.2024 passed by the learned Additional
Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in
connection with GRP Case No. 46/2018, corresponding to
Special SC/ST Case No. 245/2023, registered for the alleged
offences under Sections 341, 324, 307, 302/34 of the Indian
Penal Code and Section 3(2) (v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, the appellant and other co-accused persons shot at the husband of the informant and when the mother-in-law of the informant tried to save her son-in-law, she was shot at by the co-accused Ranveer Mandal. The occurrence took place in the background of property dispute as both sides used to work as the property dealers.

4. The learned counsel for the appellant submits that the appellant is innocent and has been implicated in this case. There is no specific allegation against the appellant and the allegations are specific against co-accused Pappu Mandal and Ranveer Mandal. In fact, after lodging of the FIR, the appellant surrendered before the court of learned Railway Magistrate, Bhagalpur and was released on bail by the learned Sessions Judge, Bhagalpur vide order dated 28.04.2018 passed in B.P.No. 310 of 2018. Subsequently, Section 3 (2) (v) of the SC/ST Act was added in the FIR. But the appellant has no information as no notice/summon was served upon him. Thereafter, without ascertaining service of summons and without cancelling the bail bond of the appellant, the learned trial court issued a Non-Bailable Warrant against the appellant. As soon as the appellant came to know about issuance of Non-Bailable Warrant, he surrendered before the learned trial court on 13.03.2024. The



learned counsel further submits that it can be taken as a case of misuse of privilege of bail. The appellant is having clean antecedent.

5. The learned Spl.P.P. vehemently opposes the submission made on behalf of the appellant. The learned Spl.P.P. submits that the notice was hanged at the house of the appellant and the appellant cannot claim that he was not served. The learned Spl.P.P. further submits that the appellant wanted to delay the trial and co-accused Ranveer Mandal has already been convicted.

6. Having regard to the facts and circumstances and the submission made on behalf of the parties and considering the non-specific nature of allegation against the appellant and further considering his clean antecedent and period of custody, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with Special SC/ST Case No. 245/2023, arising out of GRP Case No.46/2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2024
Transmission Date	02.08.2024

