

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4777 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- SABAUR District- Bhagalpur

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1. Chotu Kumar Mandal @ Nitish Kumar S/O Shankar Mandal @ Shankar Prasad Mandal Village- Farka, Ps. Sabour, Dist. Bhagalpur
 2. Mithilesh Kumar Mandal @ Mitto Mandal S/O Shankar Prasad Mandal @ Shankar Mandal Village- Farka, Ps. Sabour, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanju Devi W/O Radhe Paswan Village- Farka, Ps. Sabour, Dist. Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 *Re:-Interlocutory Application No. 01 of 2023*

The present Interlocutory Application has been filed for condonation of delay of one month in filing the present appeal.

It is submitted by learned counsel for the appellant that delay was caused due to some unavoidable circumstances which were beyond control of the appellant.

On the ground mentioned in the Interlocutory Application, the same is allowed.



Accordingly, Interlocutory Application No. 01 of 2023 filed for condoning the delay in filing the present appeal is allowed and the delay is condoned.

Cr. Appeal (SJ) No. 4777 of 2023

Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

The instant appeal has been filed by the appellants against the order dated 19.06.2023 passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Sabour P.S. Case no. 123 of 2023(Special SC/ST Case No. 38/2023) under Sections 341, 342, 323, 354(B), 307, 504, 325, 506, 147, 148, 149, 302, 34 of the Indian Penal Code and Sections 3(1) (r) (s) and 3(i)(va) of SC/ST Act was rejected.

Allegation against the appellants along with other co-accused persons is that they assaulted the



informant's son and torn the clothes of the informant. It is further alleged that this appellant along with one other co-accused person assaulted the informant's son by means of iron rod on his head and chest due to which he sustained injuries and later on he died during the course of his treatment.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to village politics and previous dispute. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. As per FIR, the allegation against the appellants along with other co-accused persons is that they assaulted the informant's son. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Moreover, they are languishing in judicial custody since 11.04.2023 and 04.03.2023.

The appeal for bail is opposed by learned Spl.



P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the period under custody, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 19.06.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Sabour P.S. Case No. 123 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur.

(Sunil Kumar Panwar, J)

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