

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4886 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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KAILU MANDAL S/O LATE SATTAN MANDAL R/O VILLAGE-
KABAIYA BASA WARD NO. 01, P.S- ALAMNAGAR, DIST.-
MADHEPURA. Appellant/s

Versus

1. The State of Bihar
2. MANOJ RISHIDEO S/O LATE KARTIK RISHIDEO R/O VILLAGE-
BUDHMA TOLA, AORAY, WARD NO. 10, P.S- UDA-KISHUNGANJ,
DISTT.- MADHEPURA.

... .. Respondents.

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Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Pawan Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the respondent no.2	:	Mr. Vivek Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 20-09-2024 Heard learned counsel for the appellant, learned

counsel for the respondent no.2 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 for bail vide order
dated 22.09.2023 passed by learned 1st Additional Sessions
Judge cum Special Judge, Madhepura in connection with Uda-
Kishunganj P.S. Case No. 351 of 2022 registered under Sections
302 and 120B of the Indian Penal Code, Section 27 of the Arms
Act and Section 3(2) (v)/3 (2) (va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. All the F.I.R. named accused persons including this appellant armed with deadly weapons is said to have come at the door of the informant, abused and assaulted the father of the informant. On the order of co-accused, Shivnarayan Sharma, the appellant, co-accused, Kailash Singh and Uday Singh resorted firing upon the father of the informant due to which he died.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. It is further submitted that there is no eye-witness in this case. It is further submitted that the co-accused, Shivnarayan Sharma has already been granted anticipatory bail by this Court vide order dated 05.07.2023 passed in Cr. Appeal (SJ) No.1356 of 2023. Appellant has been languishing in custody since 14.05.2023

5. Learned Spl. PP for the State assisted by learned counsel for the informant/respondent no.2 vehemently opposed the prayer for bail and submitted that there is direct allegation against the appellant of resorting firing due to which the father of the informant died. Hence, the appellant does not deserve



bail.

6. In the facts and circumstances of the case and the nature of the allegation, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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