

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5394 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- FORBESGANJ District- Araria

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DILIP MANDAL SON OF LATE LATOORAN MANDAL R/O VILLAGE-
DHOLBAZZA, PANCHAYAT- FIRAKIYA, WARD NO.13, P.S.-
FORBESGANJ, DISTRICT- ARARIA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SATYANARAYAN WRITER SON OF LATE BRAHAMDEO RAJAK R/O
VILLAGE AND P.O.- DHOLBAZZA, WARD NO.-02, P.S.-
FORBESGANJ, DISTT.- ARARIA

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Nishant Kumar Sinha, Advocate
For the State	:	Ms. Usha Kumari 1, , Spl.PP
For Respondent No. 2	:	Ms. Kumari Ritambhara, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-08-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 23.09.2023, passed in a case registered for the offence punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, this appellant, along with 30 persons, assaulted informant by means of lathi and on protest, they



abused him by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that on account of land dispute between the parties, this false and concocted case has been lodged. As a matter of fact, no occurrence as alleged in the F.I.R. ever took place rather it was the informant and his family members, who assaulted this appellant and others for which Forbesganj P.S. Case No. 122 of 2023 was lodged and the present case is counter-blast of the aforesaid case. It is further submitted that the F.I.R. does not disclose that any member of public was present at the place of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 23.09.2023 passed by the Court of learned First Additional Sessions Judge-cum-Special Judge, Araria, in connection with



A.B.P. No. 2074 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge-cum-Special Judge, Araria, in connection with Forbesganj P.S. No. 123 of 2023.

(Prabhat Kumar Singh, J)

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