

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2781 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

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1. Pintu Mandal S/o- Abhay Mandal Village- Angari Ps- Jagdishpur Dist- Bhagalpur
 2. Sonu Mandal S/o- Bambam Mandal Village- Angari Ps- Jagdishpur Dist- Bhagalpur
 3. Ghano Mandal @ Satrughan Mandal @ Gyano Mandal Chandra Dev Mandal @ Bhokku Mandal Village- Angari Ps- Jagdishpur Dist- Bhagalpur
 4. Mithilesh Kumar Mandal @ Mithilesh Mandal S/o- Late Sarpat Mandal Village- Angari Ps- Jagdishpur Dist- Bhagalpur
 5. Amarnath Mandal S/o- Indra Dev Mandal @ Gurudev Mandal Village- Angari Ps- Jagdishpur Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bikash Paswan S/o- Gurudev Paswan Village- Angari Po- Puraini Ps- Jagdishpur Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 15-05-2025 Heard learned counsel for the appellants 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 of bail *vide* order dated 28.05.2024 passed by the learned Additional Sessions Judge-



1II-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 108 of 2024 dated 15.04.2024 registered for the offence/s punishable u/ss 307, 341, 323, 354, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2) (va) of SC/ST Act.

3. Earlier the appellants were granted provisional bail vide order dated 21.09.2024 and learned counsel for the appellants seeks confirmation of the provisional bail granted to the appellants.

4. As per the prosecution case, on 13.04.2024 at 07:30 PM, abusive altercation took place between the informant's brother and Ghano Mandal (appellant no.3) on the issue of casting vote and when the informant reached there, he saw Ghano Mandal (appellant no.3) abusing and assaulting his brother by calling his caste name and when he tried to pacify the matter, all the accused persons assaulted the informant by lathi, rod and weapon with intention to kill due to which he sustained head injury and when his family members came to save him, they were also assaulted by the accused persons and when nearby people gathered, all the accused persons fled away from there.

5. Learned counsel for the appellants has submitted



that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. There is no allegation of abusing against the appellants and hence, no offence under the provisions of SC/ST Act is made out against the appellants. It is further submitted that as per injury report, the injury is simple in nature and the injury report which is annexed at Annexure-3 with the bail petition. The appellants have no concern with the alleged occurrence. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 15.04.2024.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 28.05.2024 passed by the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 108 of 2024 is set aside against the appellants. The criminal appeal is allowed.

8. Considering the aforesaid facts, the provisional bail granted to the appellants vide order dated 21.09.2024 is hereby confirmed in connection with Jagdishpur P.S. Case No. 108 of



2024 to the satisfaction of learned Court concerned, Bhagalpur.

(Chandra Prakash Singh, J)

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