

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4179 of 2024

Arising Out of PS. Case No.-12 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Kailash Mandal Son of Jagarnath Mandal @ Jagdev R/O- Tajganj Fasiya,
P.S.- Muffasil, Distt.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sonu Kumar Bhagat Son of Late Anand Shankar Bhagat Circle Officer,
Katihar, R/O- Khesar, P.S.- Fulli Dumar, Distt.- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh, Adv.
For the State	:	Mr. Binay Krishna, SPP
For the Resp. No.2	:	Mr. Brij Nandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State as also learned counsel
for the Respondent No.2.

2. The instant appeal has been filed by the appellant against the order dated 23.07.2024 passed by learned Additional District & Sessions Judge-1 -cum- Special Judge, SC/ST Act, Katihar whereby the prayer for bail of the appellant in connection with Muffasil P.S. Case no. 12/2021 under Section 147, 148, 149, 186, 353, 332, 427, 307, 302, 325, 504 of the Indian Penal Code and sections 3(1) (r) (s) / 2(2)(va) of SC/ST Act was rejected.

3. As per allegation in the FIR, appellant along with other co-accused persons have created hindrance by pelting



stones on the police party in discharging the official duty when they were working to make the land encroachment free from the slums. Appellant has also abused by taking the caste name of the driver of the police vehicle. Several male and female police constables were got injured in the alleged incident.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to high handedness of police party. He has not taken the caste name of the informant in public view. He has got no criminal antecedent. There is no specific or direct allegation of any overt act against the appellant rather the same is general and omnibus in nature. Not a single independent witness has come forward to corroborate the prosecution case against the appellant. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. Learned counsel for the appellant further submits that the other co-accused persons namely Ranjeet Mandal, Pradip Mandal, Fuleshwar Mandal @ Fulo Mandal and Vakil Paswan @ Kapil Paswan have already been enlarged on bail by this Hon'ble Court vide orders dated 29.10.2021, 16.12.2021, 27.01.2022 and 07.07.2022 passed in Cr. Appeal (SJ) Nos. 4243 of 2021, 4238 of 2021, 3897 of 2021



and 300 of 2022 respectively.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and the Informant, stating that the offence alleged is serious in nature. In the alleged occurrence, injured P.T.C. Manoj Kumar sustained grievous injury who later on, in course of treatment, died on the very next day of the incident. In the alleged occurrence, about four police personnel sustained injuries by the unlawful assembly including the appellant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant as also the prayer for bail being based on parity, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 23.07.2024 is hereby set aside.

7. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned court below/concerned court in connection with Muffasil P.S. Case No. 12 of 2021.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

