

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17659 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -SC/ST District- MADHEPURA

1. Prakash Mandal

2. Shibam Mandal @ Patel Mandal

Both sons of Late Sauti Mandal

3. Mantu Mandal, son of Sri Lucho Mandal @ Lochan Mandal,

All residents of village- Raghunathpur, Pakaria, P.S. & P.O.- Uda
Kishunganj, District- Madhepura

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 07-09-2015

Heard learned counsel for the petitioners and learned
Special Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Madhepura SC/ST P.S .Case No. 04 of 2015 registered under
Sections 341, 323, 354, 379, 504 of the Indian Penal Code and
3(1)(x), 3(1)(xi) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

It is contended that the allegations made in the FIR
do not attract the ingredients of Section 3(1)(x), 3(1)(xi) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as the occurrence did not take place in full public view. It is further contended that the entire allegations made in the FIR are false and concocted. The petitioner no. 3 Mantu Mandal had earlier instituted FIR, being Udakishunganj P.S. Case No. 120 of 2014 on 01.12.2014 against the informant and others and the present case has been instituted as a counter blast to the said case. It is further contended that though the date of occurrence is said to be 19th January, 2015 but the FIR was instituted on 8th February, 2015 and there is no reasonable explanation for the delay caused in instituting the FIR.

The further contention is that there is an ongoing title suit between the parties in which decree has been passed in favour of the petitioners in Title Execution Case No. 2 of 2012.

Learned counsel for the State has opposed the prayer for anticipatory bail. He submits that since the case has been instituted under Section 3(1)(x), 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the present application under Section 438 of the Code of Criminal Procedure would not be maintainable.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of

four weeks from today, the petitioners above named are directed to be released on anticipatory 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 S.D.J.M., Madhepura in connection with Madhepura SC/ST P.S. Case No. 04 of 2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J)

Sanjeet/-

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