

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26158 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -SC/ST District- BANKA

- =====
1. Pinku Mandal Son of Sattan Mandal
 2. Radha Devi wife of Pinku Mandal
 3. Mungo Devi Wife of Kapil Mandal @ Kapildeo Mandal
 4. Mahavir Mandal Son of Kapil Mandal @ Kapildeo Mandal
 5. Kapil Mandal @ Kapildeo Mandal Son of Late Surju Mandal
 6. Sattan Mandal Son of Late Surju Mandal
- All resident of village - Baisa, (Rampur), P.S. Banka, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 16.07.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Banka SC/ST P. S. case no. 7/2015 registered under sections 307, 379 as well as other sections of the Indian Penal Code and section 3 (I) (X) of the SC/ST (Prevention of Atrocities)Act.

Annexure 2 to this petition reveals that informant sustained only one injury i.e. simple in nature said to be caused by hard and blunt substance. Furthermore, accusation of calling caste name of the

informant is against petitioner no.5 who is said to be author of the injury of the informant.

So far as rest petitioners are concerned, except petitioner no.5, no specific overt-act has been attributed against these petitioners and there is omnibus allegation of assault against them.

No doubt, section 18 of SC/ST (Prevention of Atrocities) Act prohibits to entertain petition filed under section 438 of the Cr.P.C but it would appear from perusal of the first information report that alleged occurrence is said to have taken place on account of quarrel between children of the parties and not because of caste of the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let petitioner nos.1, 2, 3, 4 and 6, namely, Pinku Mandal, Radha Devi, Mungo Devi, Mahabir Mandal and Sattan Mandal be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief



Judicial Magistrate, Banka in Banka SC/ST P. S. case no. 7/2015 subject to condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no.5, Kapil Mandal @ Kapildeo Mandal is concerned, his prayer for anticipatory bail stands rejected with direction to him to surrender before the court below within four weeks from today and seek regular bail and if he does so, the concerned court shall consider regular bail application of this petitioner on its own merit without being prejudiced by this rejection order.

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(Hemant Kumar Srivastava,J)

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