

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14947 of 2016

Arising Out of PS.Case No. -25 Year- 2014 Thana -SC/ST District- PURNIA

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1. Binod Mandal, Son of Pulkit Mandal.
 2. Amar Mandal, Son of Bechan Mandal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Surendra Kumar.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 11-04-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Originally, the informant filed complaint case which was converted into police case and thereafter, S.C./S.T. (Purnea) P.S. Case No. 25 of 2014 was registered for the offences punishable under Sections 341, 323, 379, 120B/34 of the Indian Penal Code and Section 3 (i) (iv), (v), (x) of S.C./S.T. (Prevention of Atrocities) Act. After institution of above stated case, petitioners were granted privilege of police bail as it is evident from perusal of impugned order itself. The police after investigation, submitted charge sheet for the offences punishable under Sections 341, 323, 347, 354, 504/34 of the Indian Penal Code and Section 3 (i), (v), (x), (xi) of S.C./S.T. (Prevention of

Atrocities) Act. The petitioners approached to the trial court for grant of bail but they were refused privilege of bail on the ground that their anticipatory bail had already been rejected by this court.

I am surprised to see the approach of learned 3rd Additional Sessions Judge, Purnea and it appears to me that he does not know the correct position of law because it is well settled principle of law that if an accused is granted bail by the police or the court, he shall not be refused for bail unless he violates the privilege of bail.

However, considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea in connection with S.C./S.T. (Purnea) P.S. Case No. 25 of 2014.

The concerned court is warned to be more cautious and vigilant while dealing with the bail matters.

(Hemant Kumar Srivastava, J)

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