

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1067 of 2016

Arising Out of PS.Case No. -18 Year- 2015 Thana -EKCHARI District- BHAGALPUR

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1. Naresh Mandal,
2. Baijnath Mandal @ Jainath Mandal @ Baidyanath Mandal @ Brijnath Mandal.
Both sons of Late Narayan Mandal, resident of Village- Anthawan Diara
(Birbanna), P.S. Ekchari, District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 19-12-2016

Heard learned counsel for the appellants as well as
learned APP for the State.

2. This criminal appeal, filed under section 14A(2) of the
SC/ST (Prevention of Atrocities) Amendment Act, is preferred
against the order dated 21.09.2016 passed by learned 2nd Additional
Sessions Judge, Bhagalpur, in G.R. No.3223 of 2016 by which the
learned Sessions Judge, Bhagalpur, refused to release the appellants
on bail in connection Ekchari P.S Case No.18 of 2015.

3. The appellants and other accused are said to have
assaulted the informant and others and also demanded extortion
money.



4. Submission on behalf of the appellants is that there was bonafide land dispute between the parties and, as a matter of fact, the informant taking advantage of his caste wanted to take forcible possession of the land in question and, therefore, even if prosecution story is assumed to be true, then also, no case under SC/ST (prevention of Atrocities) Amendment Act is made out against the appellants. It is further submitted that, moreover, appellants are languishing in jail custody since long.

5. Considering the aforesaid facts as well as submissions of the parties, this criminal appeal is allowed and the impugned order dated 21.09.2016 passed by learned 2nd Additional Sessions Judge, Bhagalpur in G.R.No.3223 of 2015 stands set aside.

6. Accordingly, the appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Bhagalpur in connection with Ekchari P.S.Case No. 18 of 2015.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
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