

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4015 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -ANTICHAK District- BHAGALPUR

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1. Niwash Mandal Son of Uchit Mandal Resident of Village-Rani Diyara, P.S.
Budhuchak, Distt.-Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 07.09.2018 passed by the learned 3rd Additional Sessions Judge, Bhagalpur, in connection with Antichak P.S. Case No.46 of 2018, registered under Sections 341/147/148/149/447/323/504/506/307 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Title Suit No.220 of 2001 is going on between the parties for land dispute in the Court of learned Sub-Judge, Bhagalpur. In the aforesaid background, allegation is that on 22.06.2018, the appellant and others were plucking the mango from the orchard of the



informant and for that reason an occurrence of abuse and assault was committed. The allegation is general and omnibus of commission of aforesaid act as well as of commission of firing which cause injury to the mother of the informant.

Submission of the learned counsel for the appellant is that even the impugned order would reveal that there is no injury report on the record. Moreover, the allegation is general and omnibus.

Finding substance in the submission aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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