

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.603 of 2018

Arising Out of PS.Case No. -290 Year- 2017 Thana -BIRPUR District- SUPAUL

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1. Naresh Mandal, Son of Late Khushi Lal Mandal,
2. Rajendra Mandal @ Rajendra Prasad Mandal,
3. Birendra Mandal, both sons of Naresh Mandal, All are resident of Village-
Gouspurpatti, Police Station- Birpur, District- Supaul..... Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun, Adv.

For the Respondent/s : Smt.Usha Kumar No.1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-04-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned A.D.J.-1st, Supaul in connection with Birpur P.S.Case No. 290 of 2017 registered under Sections 447, 341, 323, 379, 385, 427, 504, 506 of the Indian Penal Code as well as under Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

The informant is a P.D.S. Dealer and the appellants are consumers of P.D.S. items from the P.D.S. Centre run by the informant. Allegation is that the appellants demanded ransom from the informant and on non-payment, started assault and abuse by taking caste name.

Learned counsel for the appellants submits that there is counter case also and in the case diary of the present



case, it has come in the evidence of independent witnesses that the informant used to supply the controlled items of one month and used to make entry of two months, which was protested by appellant-Rajendra Mandal and for that, only scuffle had taken place. The appellants have got no criminal antecedents.

Considering the conflicting evidence and the fact that the appellants were consumers of P.D.S. articles as well as general and omnibus nature of allegation, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants 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 appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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