

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2453 of 2018

Arising Out of PS.Case No. -80 Year- 2017 Thana -SC/ST District- ARRARIA

- =====
1. Prema Devi, W/o Bande Mandal @ Bandelal Mandal,
 2. Bandelal Mandal @ Bande Mandal, S/o Late Lakhicharan Mandal, Both residents of Village- Jhakharan Pipra Ghat, Ward No.4, P.S.- Jogbani, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Prasad Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-08-2018

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 anticipatory bail vide order dated 19.06.2018 passed by the learned 1st Additional Sessions Judge, Araria, in A.B.P. No.788 of 2018, arising out of Araria SC/ST Police Station Case No.80 of 2017, registered under Sections 323/504/506/34 of the Indian Penal Code and Sections 2/3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant No.2 is husband of appellant No.1.
Appellant No.1 had defeated the complainant in the Election of



Ward Member vide Annexure-2. In the aforesaid background, allegation is that the informant had gone to enquire about flood relief. At that time the appellants allegedly abused and assaulted the informant by taking caste name.

Considering the background and 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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, 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, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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