

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3315 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- SHAHKUND District- Bhagalpur

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1. Pankaj Kumar Singh @ Pankaj Mandal @ Kallu Mandal, S/o Late Binod Mandal,
 2. Rakesh Mandal @ Rakesh Kumar Mandal, S/o Late Binod Mandal, Both residents of Vill.- Shekhpura, P.S.- Shahkund (Sajour), District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-10-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.08.2018 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur in A.B.P. No.1661 of 2018, arising out of Shahkund (Sajour) Police Station Case No.109 of 2018 registered under Sections 504, 506, 307 of the Indian Penal Code as well as Section 27 of the Arms Act and Sections 3 (1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The father of the appellant was a PDS dealer. The ration card of the informant was with the dealer. The informant had gone to inquire about the status of ration card as well as PDS items. Subsequently, father of the appellant died and for missing of the ration card, allegation is that the appellants came to the house of the informant and committed abuse, assault and even fired from their pistol, which caused no injury. Only mother of the informant has supported the allegation. Others are hear say witnesses.

Considering the background of allegation, it cannot be inferred that the appellants had intention to humiliate the member of scheduled castes as well as the fact that appellants have stated on oath that they have got no criminal antecedent, 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/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the



investigation/trial of the case, failing which the court below shall
be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

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Uploading Date	
Transmission Date	

