

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2367 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -CHAUSA District- MADHEPURA

- =====
1. Sadanand Mandal,
 2. Vedanand Mandal @ Bedanand Mandal, Both are sons of Suresh Mandal,
 3. Suresh Mandal, Son of Late Biranchi Mandal,
 4. Phuleshwar Mandal, Son of Mahanth Mandal,
 5. Vikku Kumar @ Vikki Kumar, Son of Phuleshwar Mandal,
 6. Sabuja Devi, Wife of Vedanand Mandal,
 7. Sakuna Devi, Wife of Sadanand Mandal,
 8. Indu Kumari @ Indo Kumari, Daughter of Sadanand Mandal, All are resident of Village- Dhaneshpur, P.S.- Chausa (Fulaut O.P.), District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-09-2018

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 02.06.2018 passed by the learned Additional Sessions Judge 1st -cum- Special Judge (S.C./S.T. Act), Madhepura, in A.B.P. No.388 of 2018, arising out of Chausa (Fulaut O.P.) Police Station Case No.13 of 2018, registered under Sections 341/323/307/379/384/427/504/506/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections



3(i)(s)(iv)(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Bataydari Case No.336 of 1995-96 is going on between Suresh Mandal and Sheikh Sahid, vide a copy at Annexure-3. Appellant Nos.1 and 2 are sons of Suresh Mandal and informant of this case is purchaser from Sheikh Sahid during the pendency of this case.

In the background of the aforesaid facts allegation is that appellants were ploughing the field of the informant. When the informant asked not to plough, they allegedly committed abuse and assault by taking caste name. The appellants have stated on oath that they have got no criminal antecedent.

Considering the background of the allegation, the chances of mala fide prosecution of the accused persons cannot be ruled out for the purpose of consideration of prayer for anticipatory bail, 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)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2018
Transmission Date	12.09.2018

