

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2118 of 2018

Arising Out of PS.Case No. -355 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Gunjan Kumar, Son of Sushil Mandal
 2. Binod Mandal, Son of Bachho Mandal
 3. Bimal Mandal, Son of Agahani Mandal
 4. Barun Mandal, Son of Bimal Mandal
 5. Arbind Mandal @ Arbind Kumar, Son of Garib Mandal, All are resident of Village - Babhangama, P.S. - Goradih, District - Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 08.03.2018 in A.B.P. 74 of 2018 passed by the learned 4th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 355 of 2017 registered under Sections 341, 147, 149, 323, 379, 504, 506, 354 of the Indian Penal Code as well as Sections 3(i)(r)13(2)(va) of the SC/ST Act.



There is general and omnibus allegation of commission of abuse and assault. The offences alleged under the Indian Penal Code are mostly bailable, except concocted allegation of theft as submitted by learned counsel for the appellants.

Submission is that the FIR does not disclose any motive, on the part of the appellants, to humiliate a member of the scheduled caste. There is counter case also vide Annexure-2.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid fact, 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 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.



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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.08.2018
Transmission Date	06.08.2018

