

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3767 of 2018**

Arising Out of PS. Case No.-55 Year-2018 Thana- BIRAUL District- Darbhanga

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1. Pankaj Kumar Mandal @ Pankaj Sahu. son of Late Ashok Mandal @ Ashok Sahu
  2. Nandesh Mandal @ Kaila Sahu, son of Raj Kumar Mandal @ Raj Kumar Sahu Both Resident of Village- Neuri, Police Station- Biraul, District Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Suraj Narain Yadav, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 11-12-2018**

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 20.08.2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Darbhanga, in A.B.P. No.1258 of 2018, arising out of Biraul Police Station Case No.55 of 2018, registered under Sections 341/323/354/379/504/34 of the Indian Penal Code and Section 3(i)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellants were allegedly constructing a boundary wall on their land. Informant suspected that they have encroached the road. Hence, the informant



protested and for that reason there is allegation of commission of abuse by taking caste name and assault as well.

Considering the background of allegation it cannot be assumed that the appellants were intending to humiliate a member of scheduled caste, 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./-

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| AFR/NAFR          | NAFR       |
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