

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3086 of 2018

Arising Out of PS.Case No. -26 Year- 2017 Thana -SC/ST District- BHAGALPUR

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1. Bijay Mandal,
 2. Mahadeo Mandal,
 3. Shatrughan Mandal, Appellant Nos. 1 to 3 are sons of Basant Mandal @ Bhaggi Mandal
 4. Basant Mandal @ Bhaggi Mandal,
 5. Dasrath Mandal, Appellant No. 4 and 5 are sons of Late Maini Mandal All are resident of Village- Madhuwan Diyara, P.S.- Pirpanti (Bakharpur), District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tarun Prasad Mandal, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 10.07.2018 passed by the learned 3rd Additional Sessions Judge, Bhagalpur, in A.B.P. No.1258 of 2018, arising out of SC/ST Police Station Case No.26 of 2017, registered under Sections 147/148/149/341/323/307/380/452/386/504/506 of the Indian Penal Code and Sections 3(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellants have stated on oath that they are also members of the scheduled tribes. Hence, offence under the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, is not made out. Other allegation of commission of abuse, assault, theft and demand of ransom are there in the background of land dispute between the parties. The appellants have got no such criminal antecedent.

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/- (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
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