

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2942 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -ANTICHAK District- BHAGALPUR

1. Manish Kumar Jha @ Manish Jha, Son of Sri Ashok Jha, resident of Village-
Pasuramchak, P.S. Antichak, District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

with

Criminal Appeal (SJ) No. 3177 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -ANTICHAK District- BHAGALPUR

1. Birendra Thakur Son of Mahendra Thakur resident of Village - Rani Diyara, P.S.
Antichak, District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

Appearance :

(In CR. APP (SJ) No.2942 of 2018)

For the Appellant/s : Mr. Ranjan Kumar Jha, Adv

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

(In CR. APP (SJ) No.3177 of 2018)

For the Appellant/s : Mr. Devendra Kumar Pandey, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-09-2018

Heard learned counsel for the parties in both the
appeals.

Both the appeals under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 against the refusal of prayer for bail by orders dated 09.07.2018 and 26.07.2018 respectively in Antichak P.S.Case No.46 of 2018, which is arising out of Antichak P.S.Case No.46 of 2018 passed by the learned 3rd Addl. District Judge-cum-Special Judge (S.C./S.T. Act), Bhagalpur, registered under Sections 341, 323, 504, 506, 307, 147, 148, 149, 447 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2),(V a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Title Suit No.220 of 2001 is going on between the parties for land dispute in the court of learned Sub Judge, Bhagalpur. In the aforesaid background, allegation is that on 22.06.2018, the appellants and others were plucking the mango from the orchard of the informant and for that reason, an occurrence of abuse and assault was committed. The allegation is general and omnibus of commission of aforesaid act as well as of commission of firing which caused injury to the mother of the informant.

Submission of the learned counsel for the appellants is that even the impugned order would reveal that there is no injury report on the record. Moreover, the allegation is general and omnibus.

Finding substance in the submission aforesaid, let the appellants, above named, be released on bail on



furnishing bail bond 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, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further 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, both the impugned orders are set aside and both the appeals stand allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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