

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2232 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -DHAMDAHA District- PURNIA

- =====
1. Bhuto Mandal, Son of Late Maharaj Mandal.
 2. Polo Mandal, Son of Sri Bhuto Mandal.
 3. Bhola Mandal @ Bhola Kumar Mandal, Son of Sri Bhuto Mandal.
 4. Arbind Mandal @ Arbind Kumar Mandal, Son of Sri Bhuto Mandal.
 5. Jhakash Mandal, Son of Late Shital Mandal
 6. Ranjit Mandal, Son of Late Shital Mandal, all resident of Village - Naradahiya,
P.S. - Dhamdaha, District - Purnea.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

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 14.05.2018 in A.B.P. No. 06 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in connection with SC/ST Case No. 08 of 2018 arising out of Dhamdaha P.S. Case No. 03 of 2018 registered under Sections 323, 341, 504/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.



Appellant No. 1 Bhuto Mandal had lodged Dhamdaha P.S. Case No. 284 of 2017 against the informant of this case and others alleging therein that they stole away the buffalo of the informant and sold the same. After about three weeks, the present FIR was lodged wherein the offences alleged under the Indian Penal Code are bailable. Allegation of assault is general and omnibus. The appellants have stated on oath that they have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the entire facts aforesaid, in my view, the appellants deserve 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/- (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	13.08.2018
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