

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2606 of 2018

Arising Out of PS.Case No. -142 Year- 2017 Thana -BHAWANIPUR District- PURNIA

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1. Vinod Mandal @ Binod Kumar Mandal, Son of Mahendra Mandal,
 2. Vikash Mandal, Son of Mahendra Mandal,
 3. Arvind Mandal @ Ashish Mandal @ Ashish Ranjan, Son of Mahendra Mandal,
 4. Upendra Mandal, Son of Late Shyam Sunder Mandal,
 5. Mahendra Mandal, Son of Late Shyam Sunder Mandal,
 6. Sahendra Mandal, Son of Late Shyam Sunder Mandal,
 7. Viren Mandal @ Virendra Mandal @ Birendra Kumar Mandal, Son of Sahendra Mandal,
 8. Jitendra Mandal, Son of Sahendra Mandal,
 9. Gopal Mehta, Son of Late Baleshwar Mehta,
 10. Kasturi Mehta, Son of Late Parmeshwari Mehta, All resident of Village-Kushaha, P.S.- Bhawanipur, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-09-2018

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 22.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in A.B.P. No.92 of 2018, arising out of Bhawanipur Police Station Case No.142 of 2017, registered under Sections 341/323/379/147/504/506 of the Indian Penal Code and



Section 3(i)x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The occurrence of abuse and assault as well as theft was committed when two contenders, for getting tender of fisheries, quarreled against each other. The informant was one of the contenders and the appellants were another group of contender. Appellants have stated on oath that they have got no such criminal antecedent.

Learned counsel for the informant opposed the prayer for bail.

Considering the facts that the background and the reason of occurrence as well as the circumstances under which the occurrence took place, it cannot be said that the appellants were intending to humiliate the member of scheduled caste. Hence, 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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