

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1128 of 2018

Arising Out of PS.Case No. -355 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Bibhuti Mandal @ Bibhuti Kumar
 2. Patru Mandal @ Sobhit Kumar Both Sons of Sushil Mandal, Resident of Village-Babhangama, Police Station-Goradih, District-Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tarun Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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 08.03.2018 passed by the learned 4th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bhagalpur, in A.B.P. No.380 of 2018, arising out of Jagdishpur (Goradih) Police Station Case No.355 of 2017, registered under Sections 341/147/149/323/379/504/506/354 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.

There is case and counter case between the parties.

There is general and omnibus allegation of commission of abuse and assault. The offences alleged under the Indian Penal Code



are mostly bailable, except concocted allegation of theft as submitted by learned counsel for the appellants.

Submission is that the FIR does not disclose any motive, on the part of the appellants, to humiliate a member of the scheduled caste. There is counter case also vide Annexure-2.

Considering the aforesaid facts, 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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