

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.892 of 2018

Arising Out of PS.Case No. -21 Year- 2016 Thana -SIKTI District- ARRARIA

- =====
1. Mahendra Mandal @ Mahendra Prasad Mandal, S/o Late Pothai Mandal,
 2. Mahesh Nath Mandal S/o Late Buddhan Lal Mandal, Both are R/o Village- Bhirbhiri, P.S.- Sikty, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-04-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Sikty P.S. Case No. 21 of 2016 registered under Sections 323, 341, 504, 506/34 of the Indian Penal Code as well as Section 3(i)(x) of the SC/ST Act.

According to FIR, the appellants allegedly abused and assaulted the informant while he was on the way.

Submission is that the case diary would reveal that the witnesses have stated before the police that driver of these appellants was driving the tractor which touched the cycle of the



informant and for that reason, the informant quarreled with the driver. In the Panchayati Rs.30,000/- was fined against the driver. Rs.10,000/- was immediately paid and for that dispute, just to pressurize, present false case has been lodged.

Considering the aforesaid submission, 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 and 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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