

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.125 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- SC/ST District- Katihar

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1. Mahendra Mandal son of Mohan Mandal
 2. Rajendra Mandal son of Mohan Mandal
 3. Khushbu Mandal son of Rajendra Mandal
 4. Prakash Mandal son of Mahendra Mandal
 5. Ajay Mandal son of Mahendra Mandal
- All are R/O- Dahra, P.S.- Barari(Semapur O.P), Distt.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi wife of Kailash Mandal Resident of Village - Dahara, PS- Barari (Semapur O.P) Distt- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 08-04-2019

At the very outset it has been submitted on behalf of the appellants is that appellant no.1 Mahendra Mandal and appellant No.2 Rajendra Mandal have already been arrested during pendency of this appeal.

In such view of the matter, this appeal with respect to appellant no.1 Mahendra Mandal and appellant No.2 Rajendra Mandal stands dismissed as withdrawn.

The appellant nos.3 to 5 seek pre-arrest bail in connection with SC/ST P.S. Case No. 37 of 2018, registered for offences



punishable under Sections 149, 341, 323, 379, 354 of the Indian Penal Code and Section 3(i)(s), 3(2)(va) of the SC/ST Act.

Allegation against appellant no.3 is of torn sari of the informant, allegation against appellant no.4 is of snatching a chain worth Rs.7000/- and allegation against appellant no.5 is of assaulting the informant by means of lathi.

Submission of learned counsel for the appellants is that the F.I.R. itself shows that the occurrence took place with respect to grazing of buffalo in the field of appellant no.2 and as such false implication cannot ruled out and the whole allegations are ornamental in nature.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case as stated above, let appellant nos. 3 to 5, above named, be surrendered within a period of six weeks and on surrender they will release on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st cum Special Judge, Katihar, in connection with SC/ST P.S. Case No. 37 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, this appeal is allowed with respect to



appellant nos. 3 to 5 and the impugned order is set-aside with
respect to appellant nos. 3 to 5.

(Vinod Kumar Sinha, J)

Amjad/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

