

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1042 of 2019**

Arising Out of PS. Case No.-199 Year-2018 Thana- SIKTI District- Araria

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1. Santosh Mandal Son of Late Sada Nand Mandal
 2. Amit Mandal Son of Late Sada Nand Mandal
 3. Abhishek Kumar Son of Santosh Kumar
 4. Shobha Devi Wife of Late Sada Nand Mandal
 5. Babita Devi Wife of Santosh Mandal
 6. Purnima Devi Wife of Amit Mandal
- All six are Resident of Village- Kasat, Ward No. 8, P.S.- Sikti, District - Araria.
7. Dinesh Mandal Son of Jadveer Mandal @ Yaduveer Mandal
 8. Neelam Devi Wife of Dinesh Mandal
 9. Jadveer Mandal @ Yaduveer Mandal Son of Late Rupchand Mandal
 10. Dhirish Mandal Son of Lakshmi Mandal

Resident of Village - Lataha, P.S.- Sikti, District - Araria.

... .. Appellant/s

Versus

1. The state of bihar
2. Jokhan Sada Son of Videshi Das Resident of Village - Palaspani, Ward No. 1, P.S.- Sikti, District - Araria, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 16.01.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Araria in ABP No. 2114 of 2018 arising out of



Sikty P.S.Case No. 199 of 2018 registered under Sections 307, 323, 341, 354B, 379, 504 and 506/34 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant no. 1 is of abusing the informant by caste name and also assaulted him with Dabia and he along with other accused persons are named in the FIR. It appears that appellant nos. 1 and 2 are accused in one more case.

Submission of learned counsel for the appellants is that earlier also, the informant had lodged case against the appellant nos. 1 and 2 and there is land dispute between the parties and the disputed land is of the appellants, which has been claimed by the informant and furthermore no specific allegation against appellant nos. 2 to 10 has been attributed.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant nos. 2 to 10, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two



sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Araria in ABP No. 2114 of 2018 arising out of Sikty P.S.Case No. 199 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellant nos. 2 to 10.

So far as appellant no. 1 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

According, the appeal is disposed of with the above direction.

(Vinod Kumar Sinha, J)

suji/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

