

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4464 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- SC/ST District- Araria

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1. Hiralal Mandal, Son of Late Shomi Mandal,
 2. Satya Nr. Mandal, Son of Hiralal Mandal, Both resident of Village Bhirbhiri Ward No. 9, P.S. Sikty District- Araria.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Mr.Binay Krishna

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

Date : 17-01-2019

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 06.10.2018 passed by the learned 1st Addl. Sessions Judge, -cum-Special Judge, Araria in ABP No. 1507 of 2018, Spl. (SC/ST) Case No. 133 of 2018, arising out of Araria SC/ST P.S.Case No. 52 of 2018 registered under Sections 323, 341, 379, 354B, 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 appellants is of abusing by caste name and also assaulting the informant and also tore her blouse.

Submission of learned counsel for the appellants is that



there is delay of 18 days in lodging the FIR and no specific allegation has been attributed against them of assault or abuse by taking caste name and allegation is general in nature.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let appellants, abovenamed, 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. 1507 of 2018, Spl. (SC/ST) Case No. 133 of 2018, arising out of Araria SC/ST P.S. Case No. 52 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellants shall co-operate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds. Accordingly, the appeal is allowed and the impugned order is set aside with respect to



them.

(Vinod Kumar Sinha, J)

sujit/-

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CAV DATE	
Uploading Date	
Transmission Date	

