

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1509 of 2019**

Arising Out of PS. Case No.-92 Year-2018 Thana- SC/ST District- Araria

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1. SANTOSH MANDAL @ Santosh Kr. Mandal Son of Late Sada Nand Mandal Resident of Village-Kasat, Ward No.08, P.S.-Sikti, District-Araria.
 2. Amit Mandal @ Amit Kr. Mandal Son of Late Sada Nand Mandal, Resident of Village-Kasat, Ward No.08, 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.01, P.S.-Sikti, District-Araria, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 27-06-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 16.01.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Spl.(SC/ST) Case No. 211 of 2018 arising out of SC/ST Araria P.S. Case No. 92 of 2018 registered under Sections 323, 379, 380, 354(B) and 354 of the Indian Penal Code and Sections 3/4 of the SC/ST Act.

Appellants are said to have slated the informant and his wife in the name of their caste and also assaulted them on



demand of Rs.70000/- given to the appellant for purchasing tractor in the year 2015.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case by the informant due to land dispute. Appellants have already purchased tractor in the year 2011, hence there is no question of taking money from the informant for purchasing the same in the year 2015. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury. Hence they may be enlarged on bail.

Per contra, learned Spl. PP for the State vehemently opposing the bail petition submitted that besides assaulting the informant and his wife the appellants are said to have slated them in the name of their caste in public view, hence offence under SC/ST Act is made out and anticipatory bail is barred under Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Prayer for bail of the appellants is rejected. Accordingly this appeal is dismissed.

However, appellants are directed to surrender



before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellants on the very date of the surrender of the appellants in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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