

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1506 of 2019**

Arising Out of PS. Case No.-215 Year-2018 Thana- SHAMBHUGANJ District- Banka

1. SANJAY MANDAL S/o Late Jugal Mandal Resident of Village- Bhagwatchak, P.S.- Shambhuganj, District- Banka.
2. Vijay Mandal S/o Late Jugal Mandal Resident of Village- Bhagwatchak, P.S.- Shambhuganj, District- Banka.
3. Kiran Kumari W/o Vijay Mandal Resident of Village- Bhagwatchak, P.S.- Shambhuganj, District- Banka.
4. Chiku Kumar S/o Sanjay Mandal Resident of Village- Bhagwatchak, P.S.- Shambhuganj, District- Banka.
5. Chhotu Kumar S/o Sanjay Mandal Resident of Village- Bhagwatchak, P.S.- Shambhuganj, District- Banka.
6. Arti Kumari @ Arti Devi D/o Vijay Mandal Resident of Village- Bhagwatchak, P.S.- Shambhuganj, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Mukherjee
For the Respondent/s : Mr. Sadanand Paswan

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 05.02.2019 passed by learned 1st Addl. Sessions Judge, Banka in Shambhuganj P.S. Case No. 215 of 2018 registered under Sections 341, 323, 307, 354, 379 and 504/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.



Eight accused persons including the appellants are said to have slated and assaulted the informant and her daughter by means of brickbat while they were regressing to their house after defecation.

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 merely because appellant Arti Devi has lodged a case against the prosecution party earlier to the case under hand. There is dispute of drain between the parties. Injury sustained by the victim is simple in nature. There is no allegation of slating the victims in the name of their caste. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions



Judge, Banka in Shambhuganj P.S. Case No. 215 of 2018,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

