

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2844 of 2019

Arising Out of PS. Case No.-155 Year-2017 Thana- SANHAULA District- Bhagalpur

1. BHAJJO MAHALDAR @ RAJESH MAHALDAR @ MAJJO MAHALDAR Son of Late Kamdeo Mahaldar Resident of Village- Bishwaspur, P.S.- Sanhulla, District- Bhagalpur.
2. Tiro Mahaldar Son of Late Kamdeo Mahaldar Resident of Village- Bishwaspur, P.S.- Sanhulla, District- Bhagalpur.
3. Manju Devi Wife of Late Raju Mahaldar Resident of Village- Bishwaspur, P.S.- Sanhulla, District- Bhagalpur.
4. Sugo Devi @ Mamta Devi Wife of Tiro Mahaldar Resident of Village- Bishwaspur, P.S.- Sanhulla, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Indeshwari Prasad Mandal
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 09-08-2019 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 22.05.2019 passed by learned 3rd Addl. District and Sessions Judge cum Special Judge, Bhagalpur in Sanhulla P.S. Case No. 155 of 2017 registered under Sections 341, 323, 379, 354(B), 504 and 506/34 of the Indian Penal Code and Section 3(i)(xi) of the SC/ST Act.

On the protest made by the informant over plucking



guava from her tree by the appellant nos. 1 and 2, they slated her in the name of her caste, assaulted her and tore her attire and dragged her on the road holding her hair and dismantled her brick wall. When her husband was collecting bricks, appellant no.3 Manju Devi and other assaulted him by means of leg and fist. They want to grab her land and always damage her brick wall.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The property in question is belonging to the appellants and appellant no.1 Bhajjo Mahaldar has filed Title Suit No. 479 of 2012 against the husband of the informant and others over the said property dispute. Husband of the informant is in habit of filing case against the appellants. Earlier in Sanhoula P.S. Case No. 4 of 2016 lodged by him against the appellants, they have been enlarged on bail by a co-ordinate Bench of this Court. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury. There is no allegation of slating the informant in the specific name of her caste against the appellants. Hence no offence under SC/ST Act is made out



against the appellants. Barring the cases lodged by the informant and her husband earlier, appellants have no other 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 3rd A.D.J. cum Special Judge, SC/ST Act, Bhagalpur in connection with Sanhulla P.S. Case No. 155 of 2017, 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)

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