

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3094 of 2019**

Arising Out of PS. Case No.-611 Year-2018 Thana- ARARIA District- Araria

Surendra Mandal @ Surendra Kumar Mandal Son of Baso Mandal Resident
of Village - Majgama, P.S.- Araria, District - Araria.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

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

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

ORAL ORDER

3 04-09-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 03.04.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Spl. (SC/ST) Case No.193 of 2018, arising out of Araria P.S. Case No.611 of 2018 registered under Sections 147, 149, 323, 354 B, 379, 504 & 506 of the Indian Penal Code and Section 3(r) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over land dispute, 16 named and 40-50 unknown miscreants are said to have assaulted the informant and several other persons slating the informant in the name of his caste and tore the attire of women folk and dismantled the hut of the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. The allegation of slating informant and assaulting the informant and others levelled against the appellant is not specific rather general and omnibus in nature. I.O. has not found the hut dismantled at the place of occurrence. The victims have sustained simple injury in the occurrence. There were around 75 persons present at the place of occurrence but the informant has not stated in specific as to who slated him in the name of his caste. Appellant has no criminal antecedent. Similarly situated co-accused Ramanand Mandal and others have been enlarged on bail by this Court vide order dated 02.08.2019 passed in Cr. Appeal (SJ) No.1364 of 2019.

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

In the facts and circumstances of the case, the



above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Spl. (SC/ST) Case No.193 of 2018, arising out of Araria P.S. Case No.611 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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