

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3079 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Bhagalpur

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1. Sarita Devi Wife of Ravindra Kumar Mandal @ Ravindra Mandal Resident of Village- Boargounw, P.S.- Sajour, District- Bhagalpur.
 2. Raja Mandal @ Raj Kumar Son of Ravindra Kumar Mandal @ Ravindra Mandal Resident of Village- Boargounw, P.S.- Sajour, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 29-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 12.06.2019 passed by learned 3rd Addl. District & Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur in Bhagalpur SC/ST P.S. Case No. 4 of 2019 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with three other accused persons



are said to have intruded into the house of the informant and slated him and his family members in the name of their caste. Co-accused, Ravindra Mandal assaulted on the head of the informant by means of spade inflicting injury to him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics. There is case and counter case between the parties. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants do not happen to be assailant. There is no allegation of slating the informant and his family members in the specific name of their caste and moreover slating is said to have been made inside the house of the informant, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In 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 learned 3rd Addl. District & Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 4 of 2019, 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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