

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3087 of 2019

Arising Out of PS. Case No.-7 Year-2018 Thana- SC/ST District- Araria

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1. YAMUNA PRASAD MANDAL Son of Late Kadam Lal Mandal Resident of Village - Majgama, Ward No. 4, P.S.- Araira, Distt - Araria.
 2. Dharmendra Kumar @ Dharmendra Kumar Mandal Son of Yamuna Prasad Mandal Resident of Village - Majgama, Ward No. 4, P.S.- Araira, Distt - Araria.
 3. Chhedi Mandal @ Chhedi Lal Mandal Son of Late Hari Lal Mandal Resident of Village - Majgama, Ward No. 4, P.S.- Araira, Distt - Araria.
 4. Rabindra Mandal @ Rabindra Prasad Mandal Son of Jaggu Lal Mandal Resident of Village - Majgama, Ward No. 4, P.S.- Araira, Distt - Araria.
 5. Rajesh Kumar Mandal Son of Late Resham Lal Mandal Resident of Village - Majgama, Ward No. 4, P.S.- Araira, Distt - Araria.

... .. Appellant/s

Versus

The State of 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

4 19-09-2019 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 02.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Araria SC/ST P.S. Case No. 7 of 2018 registered under Sections 341, 323, 379, 385, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.



While the informant was regressing to his house by cycle, six named accused persons including the appellants abruptly emerged on the road and slating him in the name of his caste assaulted him by means of lathi, fist and slap, pressed his neck and snatched his cash Rs.17000/- and wrist watch.

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. As a matter of fact, father and other family members of the informant had executed land in favour of the appellants and names of the appellants have been mutated over the said land but in order to grab the said land informant has lodged this false and frivolous case against the appellants. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate and abnormal delay of 2 months and 7 days in lodging the F.I.R. without assigning any plausible and convincing explanation for the said delay which creates doubt about prosecution case. They have no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the informant 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 cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 7 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)

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