

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3338 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- SC/ST District- Araria

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1. DHARAMDEV MANDAL @ DHARMDEV MANDAL Son of Late Dhaner Mandal Resident of Village-Gadhgama, Police Station-Narpatganj, District-Araria.
 2. Kishundev Mandal Son of Late Dhaner Mandal Resident of Village-Gadhgama, Police Station-Narpatganj, District-Araria.
 3. Dev Kumar Mandal Son of Dharamdev Mandal Resident of Village-Gadhgama, Police Station-Narpatganj, District-Araria.
 4. Rupesh Kumar Mandal @ Rupesh Mandal @ Rupesh Kumar Son of Dharamdev Mandal Resident of Village-Gadhgama, Police Station-Narpatganj, District-Araria.
 5. Champa Devi Wife of Dharamdev Mandal Resident of Village-Gadhgama, Police Station-Narpatganj, District-Araria.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 1.7.2019 passed in Special (SC/ST) Case No.35 of 2019 arising out of Araria SC/ST P.S.Case No.22 of 2019 for the offences punishable under Sections 341, 323, 379, 504, 506 and 354B/34 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act by the learned 1st Addl. Sessions cum



Special Judge, Araria whereby and where-under, the appellants' application for grant of anticipatory bail has been rejected.

As per FIR, allegation against the appellants is that they uprooted the pillar fixed by the informant and abused by taking caste name and further allegation against the appellant no.4 is that he thrashed the informant on the ground and assaulted by fists and slaps and further allegation is that they have torn the *sari* and blouse of the informant and took away the articles.

Submission of the learned counsel for the appellants is that two days prior to the occurrence a case had been lodged from the informant's side and FIR does not show that she was assaulted or abused in the public view, as such no case is made out under the SC and SC/ST (Prevention of Atrocities) Act.

Heard learned Special P.P. also.

Having heard both sides, considering the submissions as made above, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of



Rs.25,000/- (twenty five thousand) 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 Special (SC/ST) Case No.35 of 2019 arising out of Araria SC/ST P.S.Case No.22 of 2019, subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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