

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.17 of 2019

Arising Out of PS. Case No.-96 Year-2018 Thana- MANSAHI District- Katihar

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1. Bateshwar Mandal , son of Late Birju Mandal
 2. Mithlesh Kumar Mandal @ Mithlesh Mandal @ Mithilesh Mandal , son of Bateshwar Mandal
- Both residents of village- Fulhara, P.S- Mansahi, Dist- Katihar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suresh Prasad Sah @ Baranwal
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 04.12.2018 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Katihar in connection with Mansahi P.S. Case No.96 of 2018 registered under Sections 323, 342, 382, 120(B)/147, 148, 149, 427 of the Indian Penal Code and Section 3(i)(iii)(iv)(v)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has filed a complaint case in the court of C.J.M., Katihar alleging that the red card of the disputed land



has been granted by the administration and when she and her husband went to ripe the wheat crop, the appellants variously armed came in the field and abused her by her caste name and also threatened to dispossess her and assaulted by fists and slaps. The complaint was transferred to the police for institution of F.I.R. under Section 156(3) Cr.P.C. for which Mansahi P.S. Case No.96/18 was registered.

It has been submitted on behalf of the appellants they are innocent and have been falsely implicated in this case due to land dispute. The land belongs to the appellants and by mistake of administration, red card was issued in favour of the informant. The land is in their possession.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically



present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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