

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3830 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- BASOPATTI District- Madhubani

1. RAJ KUMAR MANDAL S/o Late Brij Lal Mandal Resident of Village- Hatthapur Parsa, P.S.- Basopatti, District- Madhubani
2. Ram Udgar Mandal S/o Raj Kumar Mandal Resident of Village- Hatthapur Parsa, P.S.- Basopatti, District- Madhubani
3. Trilok Mandal @ Trilok Chandra Mandal S/o Raj Kumar Mandal Resident of Village- Hatthapur Parsa, P.S.- Basopatti, District- Madhubani
4. Punita Devi @ Tulfi Madnal W/o Raj Kumar Mandal Resident of Village- Hatthapur Parsa, P.S.- Basopatti, District- Madhubani
5. Manoj Kumar Mandal S/o Sajjan Mandal Resident of Village- Hatthapur Parsa, P.S.- Basopatti, District- Madhubani
6. Sajjan Mandal S/o Late Brij Lal Mandal Resident of Village- Hatthapur Parsa, P.S.- Basopatti, District- Madhubani
7. Surya Deo Yadav S/o Asarfi Yadav Resident of Village- Pacharatan, P.S.- Basopatti, District- Madhubani

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 11-09-2019 Heard learned counsel for the appellants 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 16.07.2019 passed by learned 1st Additional



Sessions Judge cum Special Judge SC/ST Act, Madhubani in connection with Basopatti P.S. Case No. 138 of 2018 registered under Sections 341, 323, 427 & 504/34 of the Indian Penal Code and Section 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants descending at the house of the informant started slating him and dismantled his house. They also assaulted him, his wife and sons then they left the scene. His wife sustained head injury in the occurrence.

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 animosity. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Wife of the informant has sustained simple injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste, 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, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Madhubani in connection with Basopatti P.S. Case No. 138 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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