

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4070 of 2019**

Arising Out of PS. Case No.-232 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. SURESH MISTRI Son of Late Chini Mistri Resident of Village-Gobardhan Bigha, P.S.-Makhdumpur, District-Jehanabad.
2. Baiju Mistri Son of Suresh Mistri Resident of Village-Gobardhan Bigha, P.S.-Makhdumpur, District-Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subhash Chandra Bose

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

- 3 07-11-2019 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 bail vide order dated 30.07.2019 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Makhdumpur P.S. Case No. 232 of 2019 registered under Sections 341, 342, 323, 325, 307, 337, 338/34 of the Indian Penal Code and Section 3(1) (s) (w), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of blocking the passage of the informant by the appellants by constructing stair in the lane, appellants along with six other named accused persons assaulted the informant and her family members by means of lathi, danda and brick-bats making her grandson Sunny Kumar seriously injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to petty dispute of passage. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent and have been languishing in custody since 31.05.2019.

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

In the facts and circumstances of the case, the above named appellants are directed to 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, Jehanabad in connection with Makhdumpur P.S. Case No. 232 of 2019.



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

(Prakash Chandra Jaiswal, J)

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