

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4327 of 2019

Arising Out of PS. Case No.-305 Year-2019 Thana- BAGHA District- West Champaran

1. Mandeep Jaiswal Son of Sri Surendra Prasad, Resident of Village - Kailashnagar, P.S.- Bagaha, District- West Champaran.
2. Manju Devi Wife of Sri Surendra Prasad, Resident of Village - Kailashnagar, P.S.- Bagaha, District- West Champaran.

... .. Appellants

Versus

The State of Bihar.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the appellants and learned
A.P.P. for the State.

Appellants, in the present appeal, is challenging the order dated 31.08.2019 passed in Bail Petition No. 2074 of 2019 arising out of Bagaha (Pathkhauli) P.S. Case No. 305 of 2019 registered under Sections 341, 342, 323, 353, 423, 504, 506/34 of the Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for regular bail of the appellants has been rejected by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, West Champaran, Bettiah.



Learned counsel for the appellants submits that the appellants are quite innocent and have not committed any offence and they are simply victims of false implication in the present case. Before the court below no injury report has been produced to substantiate the allegation of causing injury to the constable. It is further submitted that no offence under the provisions of SC/ST Act is made out. The appellants are in custody since 15.06.2019 and 18.06.2019 respectively.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein the allegation against the appellants are that of causing damage to the police vehicle and injury to a constable, when the police party had succeeded in raiding the place in question from where one Mahendra Nut had been recovered and the appellants are in custody since 15.06.2019 and 18.06.2019 respectively, let the appellants above named be released on bail in connection with Bail Petition No. 2074 of 2019 arising out of Bagaha (Pathkhauri) P.S. Case No. 305 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, West



Champaran, Bettiah, subject to the condition as laid down under
Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with
the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence
similar to the offence of which he is accused, or suspected, of
the commission of which he is suspected, and

(c) that such person shall not directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him from
disclosing such facts to the Court or to any police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

vats/ved

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