

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4540 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Araria

1. ARUN CHOUDHARY Son of Late Jhari Lal Choudhary Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
2. Ashok Singh @ Ashok Kumar Singh Son of Late Kripanand Singh Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
3. Sunita Devi Wife of Arun Choudhary Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
4. Deepak Choudhary Son of Late Upendra Choudhary Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
5. Shankar Mandal @ Shankar Ram Son of Bishundeo Mandal Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
6. Bhuwan Mandal Son of Late Bhujji Mandal Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
7. Suresh Thakur Son of Late Jiwachh Thakur Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
8. Rajesh Mandal @ Rajesh Ram Son of Nako Mandal @ Nako Ram Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria
9. Binod Mandal @ Binod Ram Son of Bishundeo Mandal Resident of Village - Hansa, Ward No. 10, P.S.- Raniganj, District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Sanjay Kumar Sharma, Advocate  
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      16-12-2019                      Heard learned counsel for the appellants and learned counsel appearing on behalf of the State.

The appellants are aggrieved by the order dated 19.08.2019 passed in ABP No. 1622 of 2019 by 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, SC/ST Araria in connection with Special (SC/ST) Case No. 12/2019 arising out of Araria SC/ST P.S. Case No. 08/2019 registered under Sections 341,323,354(B),379, 504, 506/34 IPC and 3(i)(r) SC & ST Act.

Learned counsel for the appellants submits that the



appellants have no criminal antecedent. He further submits that the instant case was filed after four days of the alleged occurrence. The allegation against these appellants is general and omnibus and there is no specific allegation of either assault or abuse to the informant in public view. As such, he submits that the provision of SC/ST Prevention of Atrocities Act is not attracted. There is land dispute between the parties and the present case is counter blast of the same.

Considering the fact that there is no specific overt act of either assault or abuse much less in public view, the court is inclined to grant bail to the appellants. Let the appellants, in the event of arrest/surrender within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) each with two sureties of the like amount each to the satisfaction of 1<sup>st</sup> Additional Sessions Judge cum Special Judge, SC/ST Act, Araria in connection with Special (SC/ST) Case No. 12/2019 arising out of Araria SC/ST P.S. Case No. 08/2019.

**(Anil Kumar Upadhyay, J)**

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