

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.73 of 2020

Arising Out of PS. Case No.-580 Year-2018 Thana- SUPAUL District- Supaul

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1. SHRAWAN MANDAL son of Late Bauku Mandal resident of Panchayat and Village - Telwa, P.S. and District - Supaul.
 2. Rukmini Devi Wife of Shrawan Mandal resident of Panchayat and Village - Telwa, P.S. and District - Supaul.
 3. Gita Devi Wife of Late Bauku Mandal resident of Panchayat and Village - Telwa, P.S. and District - Supaul.
 4. Neha Devi Wife of Rohit Mandal resident of Panchayat and Village - Telwa, P.S. and District - Supaul.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pramod Kumar Paswan Son of Late Dhalay Paswan Resident of Village - Ramdatpatti, Ward No.-12, P.S. and District - Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amar Nath Yadav
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the appellants and learned APP for the State.



The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 420, 504/34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the on 06.10.2018 when the informant went to the house of the appellants and demanded money of milk, appellant No.1 slated him in the name of his caste and accused Rohit Mandal obtained his signature on stamp paper pointing pistol on his temple and other family members of Shrawan Mandal assaulted him by means of fists and slaps.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellant have falsely been implicated in the present case. For a petty reason hot exchange of words had taken place between the parties. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.



On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06.12.2019, passed by the Additional Sessions Judge 1st-cum-Special Judge, Supaul in connection with Supaul P.S. case No.580 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, Supaul in connection with Supaul P.S. case No.580 of 2018.

(Sudhir Singh, J)

Narendra/-

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