

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.577 of 2020

Arising Out of PS. Case No.-33 Year-2019 Thana- SC/ST District- Lakhisarai

1. Uday Mandal, aged about 33 years, Male, Son of Dhina Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
2. Balak Mandal, aged about 47 years, Male, Son of Dhaneshwar Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
3. Jitendar Kumar, aged about 29 years, Male, Son of Guna Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
4. Amarjit Mandal, aged about 36 years, Male, Son of Vakil Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
5. Akshay Kumar @ Akshay Mandal, aged about 24 years, Male, Son of Umesh Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
6. Pavan Kumar @ Pavan Mandal, aged about 38 years, Male, Son of Sato Mandal @ Satya Narayan Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
7. Dhiraj Kumar, aged about 23 years, Male, Son of Tapo Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
8. Sharavinda Mandal @ Sakhin Mandal, aged about 35 years, Male, Son of Bhedan Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
9. Puna Mandal @ Maharana Mandal, aged about 40 years, Male, son of Jham Mandal @ Sukhdev Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.
10. Chintu Kumar, aged about 19 years, Male, Son of Mahesh Mandal @ Maheshwar Mandal, Resident of Village - Pirgaura Belaur, P.S. - Lakhisarai, Dist.- Lakhisarai.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Nakul Kumar Jamuar, Advocate.
For the Respondent	:	Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-11-2020 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 after restoration of normalcy.

Learned counsel for the appellants seeks permission to withdraw the appeal for grant of anticipatory bail on behalf of appellant nos. 1, 3 and 10 as they have already been taken into judicial custody in connection with Lakhisarai SC/ST Case No. 83/2019, pending in the court of learned Additional District and Sessions Judge-Ist-cum-Special Judge, Lakhisarai.

Permission is accorded.

Accordingly, appeal for grant of anticipatory bail on behalf of appellant nos. 1, 3 and 10, namely, Uday Mandal, Jitendar Kumar and Chintu Kumar is dismissed as withdrawn being infructuous.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant nos. 2 and 4 to 9 in connection with Lakhisarai SC/ST Case No. 83/2019, registered for the offences under Sections and Section 3 (2)(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 02.11.2019,



appellants came to the informant's land having Lathi and Danda and started putting pillar on her land. When she protested, appellants and 40-50 unknown persons started abusing and assaulted her with Lathi and Danda on her head and also started pulling her *Saree*. It is alleged that the appellants abused the informant by taking her caste name.

It has been submitted on behalf of the appellant nos. 2 and 4 to 9 that they have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. General and omnibus allegation has been made against them. There is admitted land dispute between the parties. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant nos. 2 and 4 to 9 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.01.2020, with regard to appellant nos. 2 and 4 to 9 passed by learned Additional District and Sessions Judge-Ist-cum-Special Judge, Lakhisarai, in A.B.P. No. 31/2020, in connection with SC/ST Case No. 83/2019, is set aside. The criminal appeal is allowed.



Accordingly, the appellant nos. 2 and 4 to 9 (except appellant nos. 2, 3 and 10 namely, Uday Mandal, Jitendar Kumar and Chintu Kumar), above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-Ist-cum-Special Judge, Lakhisarai, in connection with SC/ST Case No. 83/2019.

(Sudhir Singh, J)

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