

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4325 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- SC/ST District- Araria

1. MAYANAND BISHWAS Son of Late Lalmohan Bishwash Resident of Village- and Post- Kharhat, Ward No.4, P.S- Raniganj, District- Araria.
2. Pradeep Bishwas @ Pradeep Kumar Son of Mayanand Bishwas Resident of Village and Post-Kharhat, Ward No.4, P.S-Raniganj, District-Araria.
3. Sandip Bishwas @ Sandip Kumar Son of Mayanand Bishwas Resident of Village and Post-Kharhat, Ward No.4, P.S-Raniganj, District-Araria.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nishant Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-01-2020 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 14.8.2019 passed in Spl. SC/ST Case No.32/18 arising out of Araria SC/ST P.S.Case No.12 of 2018, for the offences punishable under Section 323, 354, -B, 379, 504 & 506/34 of the Indian Penal Code and Section 3(i)(r) of SC/ST (POA) Act by the learned 1st Addl. Sessions cum Spl. Judge, Araria whereby and where-under, the appellants' application for grant of anticipatory bail has been rejected.



As per FIR, one co-accused Mahanand Bishwas and his wife abused the informant by taking caste name and tore her *Sari* and *Blouse* and she went to *Panchayati* but the *Panchayati* was not held. Further allegation is against the appellants and other accused persons is that they came variously armed and on the order of co-accused Meera Devi, they have assaulted her family members.

Submission of the learned counsel for the appellants is that so far these appellants are concerned, no specific allegation either of abuse or of assault is against the appellants and the whole family members have been implicated in this case due to land dispute.

Hard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the learned court below be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions cum Spl Judge, Araria in connection with Spl. (SC/ST) Case No.32 of 2018 arising out of Araria SC/ST P.S.Case No.12



of 2018 subject to condition as laid down under Section 438 of
Cr.P.C.

With the above direction, this appeal is allowed.

(Vinod Kumar Sinha, J)

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