

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4889 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- SIRDALA District- Nawada

1. MUSAFIR PRASAD @ MOSAPHIR PRASAD Son of Paryag Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
2. Manoj Prasad Son of Late Ramdhari Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
3. Mukesh Prasad Son of Musafir Prasad @ Mosaphir Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
4. Dhaneshwar Prasad @ Dhaanu @ Dhaneshwar Yadav @ Dhano Prasad Son of Paryag Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
5. Suresh Prasad Son of Sonu Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
6. Umesh Prasad @ Umesh Prasad Yadav Son of Kishun Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
7. Upendra Prasad @ Upendra Yadav Son of Paryag Mahto Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.
8. Satendra Prasad @ Satendra Yadav Son of Paryag Prasad Resident of Village - Chulahri, P.S.- Sirdala, Distt - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 06-01-2020 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 30.08.2019 passed by learned Addl. Sessions Judge-I, Nawada in connection with Sirdalla P.S. Case No. 258 of



2018, registered under Sections 147, 148, 149, 341, 323, 504, 506 and 307 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the SC/ST Act.

Accusation is that while informant was engaged in serving the fodder to the cattle, at that time, 21 persons named in the F.I.R., including the appellants, came and started to cause assault through lathi. When Matar Manjhi, Sakindar Manjhi and Madan Prasad rushed to save him then they were also assaulted. In course of occurrence, Sakindra Manjhi sustained fracture injury.

Learned counsel appearing on behalf of appellants submits that while appellants are named in the F.I.R. along with 13 others, but no specific overt act has been attributed against the appellants. Further submission is that it would appear from the F.I.R. that informant has not sustained any injury in the alleged occurrence, hence, no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I-cum-Special Judge, Nawada in connection with Sirdalla P.S. Case No. 258 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Rajendra Kumar Mishra, J)

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