

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1272 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. AKSHAY KUMAR Son of Umesh Mandal Resident of Village - Pirgaura, P.S. - Lakhisarai, District - Lakhisarai.
2. Tinkal Mandal Son of Mahesh Mandal Resident of Village - Pirgaura, P.S. - Lakhisarai, District - Lakhisarai.
3. Rohit Kumar Son of Umesh Mandal Resident of Village - Pirgaura, P.S. - Lakhisarai, District - Lakhisarai.
4. Dharmendra Mandal Son of Guna Mandal Resident of Village - Pirgaura, P.S. - Lakhisarai, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kallu Paswan Son of Kedar Paswan Resident of Village - Pirgaura, P.S. - Lakhisarai, District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramayodha Singh- Advocate
		Mr. Manoj Kumar- Advocate
For the Respondent/s	:	Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 23-08-2021 Heard Mr. Ramayodhya Singh, the learned Advocate

for the appellants and Mr. Binay Krishna, the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated
11.12.2020 passed by the learned Additional Sessions
Judge-1st-cum-Special Judge (SC/ST Act), Lakhisarai in
connection with Lakhisarai P. S. Case No.176 of 2020,
instituted for the offences under Sections 147, 149, 323,
307, 504 of the Indian Penal Code and Section 3(i)(r)



(s)/ii(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

Eleven accused persons including the appellants are said to have assaulted the informant while he had gone to attend the call of nature.

The learned Advocate for the appellants has submitted that several persons are said to have assaulted the informant but the injuries suffered by him have been stated to be only in the nature of body pain.

It has further been submitted that from the records, it becomes very obvious that because of an old land dispute, this case has been filed. The accusation under the SC/ST (P.O.A.) Act therefore is highly unjustified and unwarranted.

For the facts stated above and taking into account the clean antecedent of the appellants, the order dated 11.12.2020 is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on



their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Lakhisarai in connection with Lakhisarai P. S. Case No.176 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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