

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2167 of 2020**

Arising Out of PS. Case No.-431 Year-2019 Thana- GARKHA District- Saran

1. Mahendra Sao @ Mahendra Shah S/o Kishori Shah, resident of village-Sargaddi, P.S.-Garkha, District-Saran at Chapra.
2. Dhrmendra Sao S/o Bharat Shah, resident of village-Sargaddi, P.S.-Garkha, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Nawal Kishore Singh  
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      26-02-2021      Heard learned counsel for the appellants and learned counsel for the State.

The appeal is admitted.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for bail vide order dated 27.02.2020 passed by 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran in connection with Garkha P.S. Case No. 431 of 2019 registered for offence punishable under sections 341, 323, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act whereby and whereunder the prayer for anticipatory



bail made on behalf of the appellants has been rejected.

It has been alleged by the informant that on 10.07.2019, accused persons came and started abusing by taking his caste name and when he raised objection, accused persons starting assaulting causing injury in his hand.

Learned counsel for the appellants submits that there is no specific allegation against the present appellants rather there is allegation of molestation against Pyarchand Manjhi and Anil Manjhi.

Looking to the facts and circumstances of the case, the impugned order dated 27.02.2020 is set aside and the appellants above named, in the event of arrest or surrender before the court below within six weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra/Successor Court in connection with Garkha P.S. Case No. 431 of 2019, subject to the condition that one of the bailors of the appellants shall be their close relative. The appellants will not induce any witness or tamper with the evidence. The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the



court. In case of failure on two consecutive dates without any valid reason, the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, this appeal is allowed.

**(Shivaji Pandey, J)**

Mahesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

