

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.895 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- LAKHNAUR District- Madhubani

1. SANTOSH MANDAL @ SANTOSH Son of Doman Mandal Resident of Village- Berma, P.S.- Lakhsaur, District- Madhubani.
2. Shiv Shankar Mandal @ Shiv Shankar Kumar Mandal Son of Mahendra Mandal Resident of Village- Berma, P.S.- Lakhsaur, District- Madhubani.
3. Bipin Mandal @ Bipin Kumar Mandal Son of Yogendra Mandal Resident of Village- Berma, P.S.- Lakhsaur, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kishore Kumar Thakur, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 436, 379, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants abused the informant by taking his caste name and the appellants assaulted the informant and his family members with iron rod, axe, due to which they sustained injuries. Appellant

No.2 assaulted the informant with iron rod causing head injury.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the appellants side have not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 19.10.2020, passed by the learned Additional Sessions Judge 1st, Madhubani vide A.B.P. No. 702 of 2020 in connection with Lakhnaur P.S. case No.155 of 2020 corresponding to G.R. No.104 of 2020, is set aside. The criminal appeal is allowed.

Let the appellants, 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

their personal bond to the satisfaction of learned Additional Sessions Judge 1st, Madhubani in connection with Lakhnaur P.S. case No.155 of 2020 corresponding to G.R. No.104 of 2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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