

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3985 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- SABAUR District- Bhagalpur

1. SANJAY MANDAL Son of Gholi Mandal Resident of Village- Alinagar, P.O.- Parghadi, P.S.- Sabour, District- Bhagalpur.
2. Srikant Mandal @ Suryakant Mandal @ Srikant Kumar Son of Gholi Mandal Resident of Village- Alinagar, P.O.- Parghadi, P.S.- Sabour, District- Bhagalpur.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Chandrasekhar Sharma
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 07-07-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 09.03.2020 passed by the learned Additional Sessions Judge-cum-Special Judge, SC/ST Act, in connection with Sabour P.S. Case No. 178 of 2020, registered for the offences punishable under Sections 147,149, 341, 323, 447, 452, 364 (A), 354 (B), 384, 386, 120 (B) of the Indian Penal Code & Section 3 (i) (x) SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.



It has been submitted by the learned counsel for the appellants that there was long dispute existing between both the parties. The occurrence took place on 10.12.2019/11.12.2019 whereas the complaint was lodged on 21.01.2020. The cognizance has not been taken under Section 364 A. The learned counsel has also submitted that considering this fact in Cr. App (SJ) No. 2504 of 2021 the co-accused persons were granted anticipatory bail as the case was not attracted prima facie under the provisions of SC/ST Prevention of Atrocities Act.

Considering the above-mentioned facts and circumstances and for keeping parity, the appeal is allowed, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sabour P.S. Case No. 178 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court

(Nawneet Kumar Pandey, J)

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