

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1706 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- SC/ST District- Bhagalpur

-
1. SHASHIKANT MANDAL @ SHASHIKANT KUMAR SON OF LATE SINGHESHWAR MANDAL RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DIST- BHAGALPUR
 2. RAJ KUMAR @ RAJA KUMAR MANDAL SON OF MANOJ MANDAL RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DISTT- BHAGALPUR
 3. VIKASH KUMAR @ BIKAS KUMAR SON OF MANOJ MANDAL RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DISTT- BHAGALPUR
 4. RAVI MANDAL @ RAVI KUMAR SON OF LATE SINGHESHWAR MANDAL RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DISTT- BHAGALPUR
 5. SONU MANDAL @ SONU KUMAR SON OF LATE SINGHESHWAR MANDAL RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DISTT- BHAGALPUR
 6. ARBIND KUMAR MANDAL @ ARBIND KUMAR SON OF LATE SINGHESHWAR MANDAL RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DISTT- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. VIBHASH KUMAR DAS SON OF MUNSHI DAS RESIDENT OF VILLAGE- NADIYAMA, PS- GORADIH, DISTT- BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2023 Despite valid service notice no one appears for respondent no. 2.

Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated
01.03.2023, passed in a case registered for the offence



punishable under Sections 341, 323, 504, 506, 34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

The brief facts of the case is that on 03.11.2022 at about 9:00 AM, all the FIR named accused persons including these appellants started dumping soil in a pond and when the informant objected, an altercation took place between both the parties in which it is alleged that these appellants assaulted and abused the informant by caste name. When Fakir Das came for rescue, he was also assaulted by the accused persons.

It is submitted on behalf of the appellants that the present case is the counterblast of the P.S. Case No. 465 of 2022, which was earlier in point of time and filed by appellant no. 5. There is existing land dispute between both the parties. Allegation of assault is general and omnibus in nature. The alleged occurrence did not take place in the public view, as such no offence under SC/ST Act is made out.

Learned counsel for the State oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 01.03.2023



is set aside.

Accordingly, in the event of arrest or surrender the appellants, above named, before the court below within eight weeks from today, they 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 the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act) Bhagalpur in connection with SC/ST P.S Case No. 41 of 2022, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

U		T	
---	--	---	--

