

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1797 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- SC/ST District- Araria

1. JAI PRAKASH MANDAL Son of Late Basantlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
2. Sita Ram Mandal Son of Late Lakhanlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
3. Ajit Kumar @ Ajit Kr. Mandal Son of Sitaram Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
4. Balgovind Mandal Son of Late Lakhanlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
5. Pritam Kumar Mandal Son of Balgovind Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
6. Munna Kumar Mandal Son of Balgovind Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
7. Dhiraj Kumar Mandal @ Dhiraj Kumar Son of Blgovind Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
8. Satya Nr. Mandal Son of Late Lakhanlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
9. Sunil Kumar Mandal Son of Satya Nr. Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
10. Umanand Mandal Son of Late Munilal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
11. Sunil Mandal Son of Umanand Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
12. Dular Kr. Mandal Son of Umanand Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
13. Shibnand Kr. Mandal Son of Umanand Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
14. Ghanshyam Mandal Son of Late Udesb Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.



15. Udhanand Mandal Son o Jageshwar Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
16. Prasant Kumar Son of Udhanand Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
17. Devnath Mandal Son of Late Rajmohan Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
18. Azad Mandal @ Azad Kr. Mandal Son of Devnath Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
19. Ganesh Mandal Son of Late Birju Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
20. Amresh Mandal Son of Priyanand Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
21. Suresh Mandal Son of Late Sagamlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
22. Janardan Mandal Son of Late Sagamlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
23. Prawesh Mandal Son of Late Sagamlal Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.
24. Chandan Mandal @ Chandan Kumar Son of Kalanand Mandal Resident of Village - Satwar Pipra Ward No.- 09 Panchayat Degapur Post - Tirakhardah, P.S.- Sikty, Bardaha, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Binay Krishna
Mr. Nishant Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-02-2023 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 as well as learned Spl.P.P. for the State.



Learned counsel for the appellants undertakes to remove the defects within four weeks.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 28.04.2022 passed by learned 1st Additional Sessions cum Special Judge, Araria in connection with Spl. (SC/ST) Case No. 49 of 2020 arising out of Araria (SC/ST) P.S. Case no.23 of 2020, registered under Sections 147, 148, 323, 354(B), 394, 380, 448, 504, 506/34 of the Indian Penal Code and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith 10-12 unknown persons went to the field of informant and forcibly took 1-2 quintals of fish from the pond of the informant. On protest, the appellants assaulted and abused by taking caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the



appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. He further submits that there is an admitted land dispute between the parties regarding the said pond and this fact is also supported by the learned counsel for the respondent no.2. There is no specific allegation against the appellants to abuse the informant by taking caste name. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case as well as from the perusal of the record, it is clear that there is a land dispute between the parties, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions cum Special Judge, Araria in connection with Spl. (SC/ST) Case No. 49 of 2020 arising out of Araria (SC/ST) P.S. Case no.23 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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