

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2504 of 2021

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

1. Dhananjay Mandal Son Of Bahadur Mandal Resident Of Village - Alimnagar, P.O. - Parghadi, P.S. - Sabour, District - Bhagalpur.
2. Dasrath Mandal Son Of Bahadur Mandal Resident Of Village - Alimnagar, P.O. - Parghadi, P.S. - Sabour, District - Bhagalpur.
3. Subodh Mandal Son Of Ganesh Mandal Resident Of Village - Alimnagar, P.O. - Parghadi, P.S. - Sabour, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-07-2021 Heard Mr. Rajive Ranjan Singh, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 09.03.2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur in connection with Sabour P. S. Case No.178 of 2020, instituted for the offences under Sections 147, 149, 341, 323, 447, 452, 364(A), 354(B), 384, 386 of the Indian Penal Code and Section 3(1)(X) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their



prayer for grant of anticipatory bail has been rejected.

The informant is stated to have been molested and her brother-in-law is alleged to have been abducted.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against them because of some dispute which has been existing for a long time. The occurrence is said to have taken place on 10.12.2019 and 11.12.2019 but the complaint was lodged on 21.01.2020.

It has been submitted that notwithstanding the accusation in the complaint which gave rise to the subject F.I.R., cognizance has not been taken under Section 364(A) of the I.P.C. but only under minor Sections and under Section 3(1)(X) of the SC/ST (P.O.A.) Act.

The brother-in-law of the informant was not in anybody's captivity and was recovered shortly after the lodging of the F.I.R., from his own village. It therefore appears that the offences have been over-exaggerated for giving it a serious colour.

For the facts afore-stated, the order dated 09.03.2021, referred to above, is set aside.

The appeal stands allowed.



The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees 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), Bhagalpur in connection with Sabour P. S. Case No.178 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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