

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.865 of 2021**

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

1. MAHENDRA MANDAL Son of Late Sitaram Mandal Resident of Village- Berma, P.S.- Lakhnaur, District- Madhubani.
2. Manoj Mandal Son of Yogendra Mandal Resident of Village- Berma, P.S.- Lakhnaur, District- Madhubani.
3. Anil Kumar Mandal @ Anil Mandal Son of Doman Mandal Resident of Village- Berma, P.S.- Lakhnaur, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kishore Kumar Thakur
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Lakhnaur SC/ST P.S. Case No. 155 of 2020 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 436, 379 and 506 of the Indian Penal Code and Sections 3(1)(r)(s)3(2)(va) of the SC/ST (POA) Act.



Allegedly, the accused persons came to the informant and started destroying his house. The informant was abused with caste name. The accused persons assaulted the informant and his family members. There is also allegation of outrage modesty.

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

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

In view of the aforesaid facts and circumstances, the order dated 19-10-2020 passed by learned Additional District & Sessions Judge-Ist, Madhubani in Lakhnaur P.S. Case No. 155 of 2020 is set aside. Accordingly, the present Criminal Appeal is ***allowed.***



Let the appellants above named, in the event of arrest/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 District & Sessions Judge-Ist, Madhubani in connection with Lakhnaur P.S. Case No. 155 of 2020.

Once the normalcy is restored, the appellants shall 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)

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