

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3082 of 2022

In
CRIMINAL MISCELLANEOUS No.32567 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- PHULPARAS District- Madhubani

1. PANCHI THAKUR S/o Late Munar Thakur Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.
2. Lalit Sharma S/o Panchi Thakur Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.
3. Nageshwar Sharma S/o Panchi Thakur Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.
4. Tuntun Sharma S/o Lalit Sharma Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.
5. Pappu Sharma S/o Lalit Sharma Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.
6. Ram Chandra Mandal S/o Late Munga Lal Mandal Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.
7. Raju Mandal S/o Ram Chandra Mandal Resident of Village- Dhausahi, P.S.- Phulparas, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Baleshwar Kamat
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-09-2022 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 24.03.2021 passed by learned 1st District & Sessions Judge, Madhubani-cum-Special Judge, Sc/ST Act, Madhubani in ABP No. 57 of 2021 whereby the prayer for bail of the appellants in connection with Phulparas P.S. Case no. 348 of 2020 under Sections 341, 323, 324, 354, 379, 504/34 of the



Indian Penal Code and sections 3(i)(r)(s)(w)(i)(ii) of SC/ST Act was rejected.

As per allegation in the FIR, when the informant was sitting on her darwaja, several accused persons including the appellants came there armed variously and started to assault and abuse the informant and her family members by taking their caste name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due village politics. There is case and counter case. After prevailing good sense, matter has been compromised between the parties and a punchnama is annexed as Annexure-4 to this petition to support this fact. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that now there is no dispute between the parties, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order



dated 24.03.2021 passed in A.B.P. No. 57 of 2021 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Phulparas P.S. Case No. 348 of 2020 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 1st District & Sessions Judge, Madhubani-cum-Special Judge, SS/ST Act, Madhubani.

(Sunil Kumar Panwar, J)

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