

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3616 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- HATHAURI District- Samastipur

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1. PREM CHANDRA MANDAL @ PREM CHANDRA KUMAR S/O BAJRANGI MANDAL Resident of village- Garibasatpur, P.S- Hathauri, District- Samastipur.
 2. HARISH CHANDRA MANDAL @ HARISHCHANDRA KUMAR S/O BAJRANGI MANDAL Resident of Village- Garibasatpur, P.S.- Hathauri, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. ANJLI KUMARI W/O SHRAVAN RAM Resident of village- Garibasatpur Shivajinagar, P.S- Hathauri, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Akash Anand
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Umesh Kumar Gupta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 14-12-2022 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 11.08.2022 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in Hathauri P.S. Case No. 29 of 2022 registered for the offence punishable under Sections 341, 323, 354(B), 379/34 of the Indian Penal Code and Sections 3(1)(r)(s)(2)/3(2)(va) of



the SC/ST (POA) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per F.I.R., on 05.03.2022, appellants alongwith other co-accused came at the door of the informant, abused and assaulted her by taking caste name and when husband and father-in-law of the informant came to save her, they were also assaulted.

Learned counsel for the appellants submits that from bare perusal of the F.I.R., it is apparent that alleged occurrence took place at the door of informant, not in public view, and as such, no case under the SC/ST Act is made out. Allegation is general and omnibus and due to political rivalry, this false and concocted case has been lodged. Learned counsel for the appellants further submits that both parties have compromised the case and informant does not want to continue the case, for which, a joint compromise petition has been filed before the court of learned Special Judge, SC/ST Act, Samastipur (Annexure – 2).

The contention with regard to compromise is not disputed by the counsel for the informant/respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 11.08.2022 is, hereby, set aside and



appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Hathauri P.S. Case No. 29 of 2022.

(Prabhat Kumar Singh, J)

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