

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.968 of 2023

Arising Out of PS. Case No.-104 Year-2019 Thana- SC/ST District- Araria

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1. Jitendra Mandal @ Jitendra Prasad Mandal Son Of Late Sukdev Mandal
R/O Village- Basgara Ward No.9, P.S.- Forbesganj, District- Araria
 2. Ravindra Mandal @ Ravindra Kumar Mandal Son Of Late Sukdev Mandal
R/O Village- Basgara Ward No.9, P.S.- Forbesganj, District- Araria
 3. Ramkrishna Mandal @ Ramkrishan Mandal Son Of Late Sukdev Mandal
R/O Village- Basgara Ward No.9, P.S.- Forbesganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Jabni Devi Wife Of Narendra Singh Rishideo R/O Khas Halhaliya P.S.-
Simraha, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Mandal, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 15-12-2023 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the rejection of prayer for anticipatory bail vide order dated 19.12.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Araria in connection with Araria (SC/ST) P.S. Case No. 104 of 2019 dated 03.08.2019 arising out of Complaint Case No. 462 of 2018 registered for the alleged offences under Sections 341, 323, 354, 420, 406, 467, 468 read with Section 34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

3. As per prosecution case, the Complainant had purchased the land from the appellants and obtained the possession of the said land. when she filed mutation application in the Circle Office, the same was rejected as the appellants had already sold the land before selling it to the respondent-Complainant. The Complainant further stated that the appellants committed forgery and cheated Rs. 3,26,000/- from her. Thereafter, when the Complainant went to plough the land then the appellants abused her by calling her caste name. On protest by the Complainant, the appellants tore her clothes and assaulted her with slaps and snatched a golden chain and a golden ring and also stopped her from ploughing the land.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that the appellants have no concern with the alleged offence. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellants. It is also submitted that from the material on record, it appears that a civil dispute is converted into criminal dispute. The appellants have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel



for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 19.12.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Araria in connection with Araria (SC/ST) P.S. Case No. 104 of 2019 arising out of Complaint Case No. 462 of 2018, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria (SC/ST) P.S. Case No. 104 of 2019 arising out of Complaint Case No. 462 of 2018, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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