

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3282 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- SC/ST District- Darbhanga

1. DILIP KUMAR MANDAL SON OF FULESHWAR MANDAL RESIDENT OF VILLAGE- RAMBAIRAI, PS- SADAR, DIST- DARBHANGA
2. JITENDRA KUMAR MANDAL SON OF LATE FULESHWAR MANDAL RESIDENT OF VILLAGE- RAMBAIRAI, PS- SADAR, DIST- DARBHANGA
3. RAVI PRAKASH MANDAL SON OF DILIP KUMAR MANDAL RESIDENT OF VILLAGE- RAMBAIRAI, PS- SADAR, DIST- DARBHANGA
4. RAM PRAKASH MANDAL SON OF DILIP KUMAR MANDAL RESIDENT OF VILLAGE- RAMBAIRAI, PS- SADAR, DIST- DARBHANGA
5. KISHORE MANDAL @ KISHORE KUMAR MANDAL SON OF RAM NARESH MANDAL RESIDENT OF VILLAGE- RAMBAIRAI, PS- SADAR, DIST- DARBHANGA
6. OM PRAKASH MANDAL SON OF DILIP KUMAR MANDAL RESIDENT OF VILLAGE- RAMBAIRAI, PS- SADAR, DIST- DARBHANGA

... .. Appellant/s

Versus

1. The State of Bihar
2. SHILA DEVI WIFE OF SHAMBHU MAHTO RESIDENT OF VILLAGE- RAMBARAI, PS- SADAR, DIST- DARBHANGA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Girish Chandra Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 30.08.2023, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her



behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.06.2023 passed by learned 10th Additional Sessions Judge cum 1/C Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with S.C./S.T. P.S. Case No. 24 of 2023 registered under Sections 143, 341, 323, 354(B), 379, 504, 506 of the Indian Penal Code and Section 3(i)(r), 3(i)(s), 3(i)(g), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the FIR named accused persons assaulted the informant and her nephew, namely, Amit Kishore and Ganesh Kumar. They also abused the informant by taking her caste name. Appellant nos. 1 & 6 tried to outrage the modesty of the informant.

5. It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Appellants have no concern with the aforesaid occurrence. The allegation of assault and abuse levelled against the appellants is



not specific rather general and omnibus in nature. There is inordinate and abnormal delay of six days in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. There is land dispute between the parties. Learned counsel for the appellants relied upon the judgment of Hon'ble Apex Court in the case of ***Hitesh Verma Vs. State of Uttarakhand and another*** reported in (2020) 10 Supreme Court Cases 710. Appellant nos. 3, 4 & 5 have no criminal antecedent, whereas appellant nos. 1, 2 & 6 have one criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, as there is admitted land dispute between the parties, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 10th Additional Sessions Judge cum 1/C Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection



with S.C./S.T. P.S. Case No. 24 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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