

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1525 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- SABAUR District- Bhagalpur

Vishwjit Kumar @ Vishwjit Mandal Son of Bageshwar Mandal @ Bagho
Mandal village- Chhoti Sardho, P.S- Sabour, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Tanti Son of Mahendra Tanti Resident of Village- Badi Sardho, P.S.-
Sabour, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachina

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-10-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel for the
respondent no. 2.

2. This appeal has been filed against the order dated
31.01.2024 passed by learned Additional District & Sessions
Judge III-cum-Special Judge, SC/ST Act, Bhagalpur in
connection with Sabour P.S. Case No. 496 of 2023, registered
under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379,
504, 506 of the Indian Penal Code and Section 3(1)(r)(s) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant and others has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, while the informant alongwith his son were returning on bicycle and reached near the house of Mulho Mandal, all the accused persons, named in the F.I.R. including this appellant armed with deadly weapons, surrounded them and co-accused Pankaj Kumar Mandal abused informant by caste name and thereafter, assaulted on his head by means of sword. It is further alleged that other co-accused persons abused and assaulted informant & his family members and also snatched gold chain from the neck of his daughter.

4. Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in this case. As a matter of fact, on 03.09.2023, the informant and his family members brutally assaulted co-accused Pankaj Kumar and Jyotish Kumar and also committed theft, for which, father of co-accused Pankaj Kumar lodged Sabour P.S. Case No. 498 of 2023 against informant and his family members and in retaliation, this false and concocted case has been lodged. As per F.I.R. itself, specific accusation is against other co-accused persons and so far as this appellant is concerned, there is no specific allegation of overt act against him. Learned counsel for the appellant further submits that F.I.R. does not disclose that at



the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for respondent no. 2 vehemently opposed the appeal, filed for grant of anticipatory bail to the appellant.

6. However, considering the aforesaid facts and circumstances of the case and rival submissions advanced on behalf of the parties, the impugned order dated 31.01.2024, in respect of this appellant only, is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sabour P.S. Case No. 496 of 2023.

(Prabhat Kumar Singh, J)

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