

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2570 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- SC/ST District- Bhagalpur

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1. Kaliya Devi @ Kiliya Devi wife of Baijnath Mandal
 2. Surendra Mandal son of Baijnath Mandal
 3. Jai Karan Mandal son of Najo Mandal
 4. Baijnath Mandal son of Late Puran Mandal
- All are resident of Village- Bari Jamin Ps- Goradih Dist- Bhagalpur
... .. Appellant/s

Versus

1. The State of Bihar
 2. Sushila Devi wife of Pramod Das Village- Bari Jamin Ps- Goradih Dist- Bhagalpur
- Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 28-08-2024 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the respondent no.2.
2. The learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant no.4.
3. Permission is accorded.
4. Accordingly, the appeal is dismissed as withdrawn as against appellant no.4.
5. The appellants have challenged the order dated 06.05.2024 passed by the learned Additional District and



Sessions Judge, 3rd-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No.05 of 2024, instituted for the offences under Sections 341, 323, 354, 447, 504, 34 of the IPC and Section 3(i)(r)(s)/3(2)(va) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. It is next submitted that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant with an allegation that on 22.01.2024 at about 05:00 PM when she was doing her work at her home when the accused persons including the appellants came variously armed and started abusing by taking caste name and also assaulted, further on alarm her brother Pandev Das came, when he was also assaulted by the accused persons, thereafter the villagers came to rescue them when the accused persons abused by taking caste name and the injured was taken to hospital for treatment.

7. The learned counsel for the appellants submit that appellants have been falsely implicated in the present case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the appellants. It



is also submitted that though in the FIR it is alleged that the accused persons assaulted and hurled abuse in presence of the villagers, but then name of the villager is not disclosed in the FIR which casts an aspersion on the case of the prosecution that for making out a case that the occurrence was committed in public view, the said allegation has been levelled.

8. The learned Special P.P. and the learned counsel appearing on behalf of the respondent no.2 opposes the appeal but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that name of the villager is not disclosed in the FIR, nor there is specific allegation of assault or hurling abuse against the appellants.

9. Regard being had to the aforesaid submissions, the order dated 06.05.2024 is set aside.

10. The appeal stands allowed.

11. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 3rd-cum-Special Judge (SC/ST Act), Bhagalpur in connection



with Bhagalpur SC/ST P.S. Case No.05 of 2024, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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