

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4346 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- SC/ST District- Banka

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1. ARJUN MANDAL SON OF LATE BIHARI MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA
 2. GOPAL MANDAL SON OF ARJUN MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA
 3. MITHUN MANDAL SON OF ARJUN MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA
 4. CHHOTU MANDAL SON OF ARJUN MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA
 5. PRITI DEVI WIFE OF GOPAL MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA
 6. ASHA DEVI @ ASHA KUMARI WIFE OF MITHUN MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA
 7. PRABHA DEVI WIFE OF ARJUN MANDAL RESIDENT OF VILLAGE - PAIR, P.S. - DHORAIYA, DISTRICT - BANKA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BABITA DEVI SON OF RUPESH KUMAR SHASTRI @ RUPESH KUMAR PASWAN RESIDENT OF VILLAGE - PAIR, P.O. - PAIR B.O., P.S. - DHORAIYA, DISTRICT - BANKA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Shekhar Anand
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 11-12-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, 29.08.2023, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST Act, Banka, in ABP No. 1130 of 2023, is under challenge in the



present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Banka SC/ST Police Station Case No. 18 of 2023 registered for the offence punishable under Sections 147/149/341/323/447/448/354B/379/325/504 of the Indian Penal Code and Section 3(1)(r)(s)(w)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that while the informant was doing household work at her home, the appellants, armed with lathi, danda, etc. entered into the house of the informant, abused her by taking her caste name and assaulted her by fists and slaps. When the family members of the informant intervened, they were also abused and assaulted by the appellants. It has further been alleged that the appellants disrobed the informant and her family members were called by their caste name. The appellant no. 1 snatched golden chain of the informant.
4. Learned counsel for the appellants submits that the



appellants have falsely been implicated in the present case due to political rivalry, which would be evident from the First Information Report itself, in which, the informant has said that wife of the appellant no. 1 was contesting in Sarpanch election and the informant and his family members did not cast vote in her favour. He next submits that no injury has been caused to the side of informant and the caste name was allegedly taken inside the house and not in public place. He further submits that a joint compromise has also been filed between the parties annexed as Annexure-2.

5. Despite information having been given by learned Special Public Prosecutor vide order, dated 01.11.2023, no one appeared on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the occurrence has taken place due to election of Sarpanch, in which the wife of appellant no. 1 was candidate, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 29.08.2023, passed by learned Additional Sessions Judge



I -cum- Special Judge, SC/ST Act, Banka, in ABP No. 1130 of 2023, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Banka, in connection with Banka SC/ST Police Station Case No. 18 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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