

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4021 of 2022

Arising Out of PS. Case No.-57 Year-2017 Thana- SC/ST District- Purnia

-
1. RAJ KUMAR MANDAL @ RAJ KUMAR Son of Fanilal Mandal R/V- Harpatti, P.S- Banmankhi, Dist- Purnea
 2. Lakhan Mandal @ Lakhan Kumar Son of Basudev Mandal R/V- Harpatti, P.S- Banmankhi, Dist- Purnea
 3. Ranjeet Mandal @ Ranjit Kumar Son of Basudev Mandal R/V- Harpatti, P.S- Banmankhi, Dist- Purnea
 4. Jay Krishna Mandal Son of Late Ram Mandal R/V- Harpatti, P.S- Banmankhi, Dist- Purnea
 5. Ranjana Devi @ Ranjana Bharti Wife of Ranjeet Kumar R/V- Harpatti, P.S- Banmankhi, Dist- Purnea
 6. Hawa Kumari @ Hema Devi Daughter of Fanilal Mandal R/V- Harpatti, P.S- Banmankhi, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Kari Devi Wife of Jay Chand Rishi R/V- Harpatti, PS- Banmankhi, Dist- Purnia

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad Mr. Manoj Kumar Ms. Pooja Prasad
For the State	:	Mr. Binay Krishna
For the Informant	:	Mr. Pramod Kumar Mallick

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 09-12-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 18.04.2022, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST Act, Purnea, in ABP No. 26 of 2022, 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 SC/ST Case No. 57 of 2017 registered for the offence punishable under Sections 147/149/341/323/354/429/504/506 of the Indian Penal Code and Section 3(1)(r)(s)(w)(i) 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 the she-goat of the informant had gone to the door of the appellants while grazing and the appellants consumed the goat after killing it, for which, a panchayati was held. As per the settlement, a sum of Rs. 4,000/- was to be paid by the appellants to the informant. On 04.08.2017, when the informant went and demanded Rs. 4,000/- then all the accused persons, including the appellants, armed with lathi, danda, etc., abused her by caste name and also assaulted her by means of lathi, danda, fists and slaps, etc. When the informant's husband intervened, he was also assaulted by the appellants and other accused persons.
4. Learned counsel for the appellants submits that the



appellants have falsely been implicated in the present case due to dispute that the informant's she-goat entered into the house of appellants and ate corn kept therein and when the daughter of appellant no. 6 went to lodge a complaint before the informant, she was abused and assaulted by the side of the informant, for which, Banmankhi Police Station Case No. 184 of 2017 was lodged by the side of the appellants against the informant and other. He further submits that after lodging of the First Information Report by the side of the appellants, the present First Information Report has been lodged after delay of about 24 days on 28.08.2017 for an occurrence which allegedly has taken place on 04.08.2017. He also submits that there was no intention on the part of the appellants to humiliate the side of the informant.

5. Despite service of notice, no one appeared on behalf of the respondent no. 2
6. Learned counsel for the State is present and opposes the prayer for anticipatory bail of the appellants.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours/co-villagers, cast and counter-case



is also there and caste name was not taken in full public view, I am inclined to grant the appellants privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 18.04.2022, passed by learned Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Purnea, in ABP No. 26 of 2022, is set aside.
9. 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, Purnea, in connection with SC/ST Case No. 57 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

