

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5104 of 2019

Arising Out of PS. Case No.-625 Year-2019 Thana- KAHALGAON District- Bhagalpur

1. HARI MOHAN SINGH @ HARI MOHAN MANDAL Son of Late Bajrangi Mahto Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
2. Ranjeet Singh @ Ranjeet Mandal Son of Hari Mohan Singh @ Hari Mohan Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
3. Dhananjay Kumar @ Dhananjay Son of Hari Mohan Singh @ Hari Mohan Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
4. Chhotoo Kumar @ Chhotan Singh @ Chhotu singh @ Chhotu Kumar Son of Hari Mohan Singh @ Hari Mohan Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
5. Sanjay Kumar @ Sanjay Singh @ Sanjay Mandal Son of Hari Mohan Singh @ Hari Mohan Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
6. Nitash Kumar @ Nitash Singh @ Nitesh Singh @ Nitish Kumar Son of Sanjay Kumar @ Sanjay Singh @ Sanjay Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
7. Raj Kumar @ Raj Kumar Singh Son of Late Karu Singh Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.
8. Laddu Kumar @ Laddu Singh @ Laddu Kumar Singh Son of Hari Mohan Singh @ Hari Mohan Mandal Resident of Village - Pakki Sarai, P.S.- Ghogha (Kahalgaon), Distt - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amar Tanti S/o- Kanhai Tanti Resident of Village- Pakki Sarai, P.S.- Ghogha, Dist.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Manoj Kumar
For the Respondent/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 14-11-2024 1. Heard learned Counsel for the appellants and learned

Additional Public Prosecutor for the State.



2. An order, dated 18.10.2019, passed by learned Additional District and Session Judge III -cum- Special Judge SC/ST Act, Bhagalpur, in ABP No. 2212 of 2019, 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 Kahalgaon (Ghogha) Police Station Case No. 625 of 2019 Sections 147/148/149/448/341/323/308/379/504/506/337 of the Indian Penal Code and Section 3 (1)(r)(s) 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 on 13.09.2019, all the family members of the informant were sitting in their house. In the meanwhile, the appellants, along with other accused persons total 8 in numbers, entered into the house of the informant, started abusing by their caste name and also assaulted them.
4. Learned counsel for the appellants submits that as per the First Information Report, caste name was not taken by the appellants in full public view. He next submits that the



allegation regarding assault is false and fabricated due to the reason that the minor daughter of the appellant no. 7 was kidnapped by the family members of informant and the present First Information Report has been lodged in order to put pressure upon the appellants' side. He further submits that the side of the appellants has also lodged Kahalgaon (Ghogha) Police Station Case No. 626 of 2019 under Section 366(a)/341/323/504/506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act against the informant's family member.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that there is case and counter-case between the parties and caste name was not taken in full public view, I am inclined to grant the appellant privilege of anticipatory bail.
6. This appeal is, accordingly, allowed and the order, dated 14.03.2024, passed by learned Additional District and Sessions Judge -cum- Special Judge, SC/ST Act, Bhagalpur, in ABP No. 2212 of 2019, is set aside.
7. 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 District and Sessions Judge -cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Kahalgaon (Ghogah) Police Station Case No. 625 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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