

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.784 of 2024

Arising Out of PS. Case No.-500 Year-2023 Thana- SABAUR District- Bhagalpur

1.

Makhan Mandal S/o Late Bali Mandal R/o At Sankarpur, P.s. - Sabour, Distt. - Bhagalpur
2.

Vikash Mandal S/o Makhan Mandal R/o At Sankarpur, P.s. - Sabour, Distt. - Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 30-01-2025 Despite filing *Vakalatnama*, no one appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and learned Spl. Public Prosecutor appearing on behalf of the State.

3. This appeal has been filed against the order dated 19.12.2023 passed by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with A.B.P. No. 2817 of 2023, arising out of Sabour P.S. Case No. 500 of 2023, registered under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of



appellants has been rejected.

4. As per prosecution case, on the alleged date and time of occurrence, all the FIR named accused persons including these appellants assaulted father and mother of informant and also abused them by their caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to dirty village politics. Further it is submitted that due to petty dispute between the parties, a simple altercation took place. From perusal of the injury report, it appears that injured sustained simple injury. It is not the case of informant that any member of public was present at the place of occurrence, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposes the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds 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-III-cum-Special



Judge, SC/ST Act, Bhagalpur, in connection with A.B.P. No. 2817 of 2023, arising out of Sabour P.S. Case No. 500 of 2023.

8. Accordingly, the impugned order dated 19.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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