

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1196 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- SABAUR District- Bhagalpur

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1. Pankaj Kumar @ Pankaj Kumar Mandal Son Of Gulabi Prasad Singh @ Gulabi Mandal R/O-Chhoti Sardho, P.S.-SULTANGANJ, Distt.-BHAGALPUR
 2. Santosh Kumar @ Balli Mandal Son Of Prakash Mandal R/O-Chhoti Sardho, P.S.-SULTANGANJ, Distt.-BHAGALPUR
 3. Niraj Kumar @ Halli @ Halla Mandal Son Of Prakash Mandal R/O-Chhoti Sardho, P.S.-SULTANGANJ, Distt.-BHAGALPUR
 4. Sanjay Kumar @ Sanjay Mandal Son Of Etwari Mandal R/O-Chhoti Sardho, P.S.-SULTANGANJ, Distt.-BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Tanti Son of Mahendra Tanti R/O-Bari Sardho, P.S.-sabour, Distt.-bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ambrish Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-08-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

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

3. This appeal has been filed against the order dated 31.01.2024 passed by learned Additional District & Sessions Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in ABA No. 3390 of 2023 in connection with Sabour P.S. Case No. 496 of 2023, registered under Sections 147, 148, 149, 341, 323, 324,



325, 37, 379, 504 of the Indian Penal Code and Sections 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. Informant, namely, Jitendra Tanti, alleged that on 3.9.23 at about 9:30 AM, all the F.I.R. named accused persons, including these appellants, abused informant by caste name and assaulted him. It is alleged that appellant no. 1 assaulted on head and left hand of informant by means of sword as a result of which informant got injured. Appellant no. 3 assaulted informant by means of iron rod resulting in fracture in his left wrist. It is further alleged that all the accused persons assaulted family members of the informant by means of *lathi*, *danda* and knife.

5. It is submitted on behalf of appellants that appellants are innocent and have committed no offence. Altercation took place between the parties over petty dispute in which both sides sustained injuries. Case and counter case. Moreover, it is not the case of informant that alleged incident occurred within the public view as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.



6. However, learned Spl. Public Prosecutor appearing for the State vehemently opposed the bail application and submitted that appellant nos. 1 & 3 assaulted informant by means of sword and rod as a result of which informant sustained grievous injuries.

7. Considering the nature of accusation and nature of injuries, I do not find any ground to interfere with the order of the learned court below with regard to appellant nos.1 & 3 and as such, the appeal with regard to above named appellant nos.1 & 3, which has been filed for grant of anticipatory bail, is hereby rejected.

8. However, considering the nature of accusation and clean antecedent, let the appellant nos. 2 & 4, 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 Additional District & Sessions Judge-III-cum-Special Judge, (SC/ST Act), Bhagalpur in connection with Sabour P.S. Case No. 496 of 2023 .

9. Accordingly, this criminal appeal is allowed with regard to appellant nos. 2 & 4 and impugned order dated 31.01.2024 is set aside with respect to these appellants only.



10. This criminal appeal, accordingly, stands disposed
of.

(Prabhat Kumar Singh, J)

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