

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1054 of 2025

Arising Out of PS. Case No.-319 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

1. Lalan Mandal Son of Late Kripal Pandal Resident of Village- Deuri, P.S.- Ghanshyampur, Distt.- Darbhanga
2. Lal Babu mandal Son of Late Kripal Mandal Resident of Village- Deuri, P.S.- Ghanshyampur, Distt.- Darbhanga
3. Bechan Mandal Son of Late Kripal Mandal Resident of Village- Deuri, P.S.- Ghanshyampur, Distt.- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Baidhnath Mahto Son of Late Laxman Singh Resident of Village- Deuri, P.S.- Ghanshyampur, Distt.- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For Respondent No.2	:	Mr. Ratna Shekhar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 08.01.2025 passed by the learned Court of Exclusive Special Judge, SC/ST (POA), Darbhanga in connection with Ghanshyampur P.S. Case No.319 of 2024, registered under Sections 152(2), 126(2), 303(2), 117(2), 118(1), 307, 354B, 75, 352, 351(1) and 3(5) of the Indian Penal Code and Sections 3 (i) (r), 39 (i) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution is that as many as



fourteen persons came variously armed and indulged in hurling caste based abuses and even assaulted the informant and his family members.

4. Learned counsel for the appellants at the outset submits that specific allegation of hurling caste based abuses is upon three accused persons, namely Jai Prakash Mandal, Mahavir Mandal and Surendra Mandal and not the appellants herein. So far as appellant nos.1 and 2 are the concerned, there are general and omnibus allegation against them. There is specific allegation against the appellant no.3 of having assaulted the informant's son with an iron rod, however, it is submitted that injuries are all simple in nature. There is case and counter case with regard to the same incident. It is further submitted that parties have even compromised the matter between them and a compromise petition has been annexed as Annexure-3 to the present memo of appeal and the same stands supported by the learned counsel for the respondent no.2.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R.

6. In view of the fact there is no allegation what-so-ever with regard to any caste based abuses, no offence under the



provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* is made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that no serious injury has been caused in the occurrence and there is case and counter case coupled with the fact that parties have reached amicable settlement between them, let the appellants, above named having no criminal antecedent, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST (POA), Darbhanga in connection with Ghanshyamur P.S. Case No.319 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Soni Shrivastava, J)

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