

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1542 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- RAGHUNATHPUR District- Siwan

- 1 . MANOJ KUMAR MALLAH SON OF BIHARI MALLAH RESIDENT OF VILLAGE - HASOPUR RAJPUR, P.S. - RAGHUNATHPUR, DISTT. - SIWAN
2. DUNMUN @ SUSHIL KUMAR MALLAH @ DHUNMUN KUMAR MALLAH SON OF BIHARI MALLAH RESIDENT OF VILLAGE - HASOPUR RAJPUR, P.S. - RAGHUNATHPUR, DISTT. - SIWAN
- 3 . BUCHIA DEVI WIFE OF BIHARI MALLAH RESIDENT OF VILLAGE - HASOPUR RAJPUR, P.S. - RAGHUNATHPUR, DISTT. - SIWAN

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. ASHA DEVI WIFE OF MUNNA SAH RESIDENT OF VILLAGE - GOPALPUR, RAJPUR, P.S. - RAGHUNATHPUR, DISTT. - SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramchandra Sahni , Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For informant	:	Mr. Yashraj Bardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-04-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 24.01.2023 , passed in a case registered for the offence punishable under sections 341, 323, 324, 354, 504, 379 and 34 of the Indian Penal Code and sections 3(10), 3 (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case, in brief is that on the alleged



date and time of occurrence , when informant was at her house , in the meantime all the appellants named in the F.I.R., entered her house and misbehaved with her. It is further alleged that accused persons abused informant by caste name and also assaulted her and took away Rs. 5000/- from box .

4. It is submitted that due to petty dispute , this false and concocted case has been lodged against these appellants. There is 14 days delay in lodging the F.I.R., for which there is no explanation . Allegation is general and omnibus against these appellants. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out.

5 . Learned counsel for the respondent No. 2 and special Public Prosecutor for the state oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Additional sessions Judge -cum-special Judge siwan in connection with



raghunathpur Police Station Case No. 277 of 2022 .

(Prabhat Kumar Singh, J)

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