

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1624 of 2025

Arising Out of PS. Case No.-37 Year-2019 Thana- SC/ST District- Madhubani

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1. Binde Mandal @ Bindeshwar Mandal S/O Late Pulkit Mandal R/O Village- Dumari, P.S- Rahika, Distt.- Madhubani.
 2. Daya Sundri Devi @ Din Sunair Devi W/O Binde Mandal @ Bindeshwar Mandal R/O Village- Dumari, P.S- Rahika, Distt.- Madhubani.
 3. Kali Kumari D/O Binde Mandal @ Bindeshwar Mandal R/O Village- Dumari, P.S- Rahika, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Janki Devi W/O Late Mahindra Paswan R/O Village- Dumari Mahanth Tola, P.S- Rahika, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-07-2025 Heard Mr. Subhash Kumar Jha, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 03.04.2025 passed by the learned Additional Sessions Judge 1st cum Special Judge (SC/ST) Madhubani in connection with Madhubani SC/ST P.S. Case No.37 of 2019, F.I.R. dated



24.10.2019 registered under Sections 341, 323, 379, 354, 504/34 of the Indian Penal Code and Sections 3(1) (r) (s) (w) 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 23.10.2019, while the informant was having tea at a shop with his dog, appellant No. 1 hit the dog with a stick. When the informant objected, all the appellants abused him using caste-based slurs. Later, they followed him to his house, continued the abuse, and assaulted his family—appellant No. 1, pulled his daughter-in-law's hair, threw her to the ground, and tore her saree, while appellant No. 2 snatched a silver ornament from his wife's neck.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From a bare perusal of the F.I.R., it appears that due to some petty dispute, the present occurrence had taken place and although, the appellants are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act against all the accused persons, including these appellants rather there is general and omnibus allegations against all the accused persons, including these appellants.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, the appellants have clean antecedent and apart from that there is no specific allegation against all the accused persons including the appellants rather there is general and omnibus allegations against all the accused persons, including the appellants, hence, no case is made out under the SC/ST Act against the appellants, let the appellants, above named, in the event of their arrest or 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 bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge 1st cum Special Judge (SC/ST) Madhubani in connection with Madhubani SC/ST P.S. Case No.37 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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