

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2097 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SC/ST District- Banka

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1. Lattu Mandal, Son of Mishri Mandal, Village- Kaitha PS- Rajoun Dist- Banka
 2. Lakhan Mandal @ Lakhan Kumar, Son of Lattu Mandal, Village- Kaitha PS- Rajoun Dist- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandlal Paswan, Son of Late Moti Paswan, Village- Bhagwanpur PS- Rajaun Dist- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP
For Respondent no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. No one appears on behalf of respondent no.2.

2. The instant appeal has been preferred against the order dated 2.4.2024 passed in Anticipatory Bail Petition no.464 of 2024 by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka and for grant of anticipatory bail in connection with Banka SC/ST P.S Case no.1 of 2024 registered under sections 341, 323, 504 and 506/34 of the Indian Penal Code and sections 3(i)(r)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, 1989.



3. As per the prosecution case, the informant states that over a dispute between his brother and Vikram Kumar, Vikram Kumar is said to have abused him in the name of his caste. It is further stated that the six named accused persons came and the four accused who are not the appellants herein assaulted the informant causing serious injuries.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case. Even accepting the allegations levelled in the FIR for the sake of argument, it is submitted that the allegation of abuse in the name of caste and of assault, are not on the two appellants herein but on the other co-accused. It is submitted that the entire allegation is false and concocted and no occurrence as alleged has taken place. The appellants have no criminal antecedent.

5. The appeal is opposed by learned Spl. P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the appellants in the FIR, there being no allegation of assault against these appellants together with the appellants not having any criminal antecedent, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 2.4.2024 passed in Anticipatory Bail Petition no. 464 of 2024 by the



learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka is set aside.

8. It is directed that both the appellants above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Banka SC/ST P.S Case no.1 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka.

(Partha Sarthy, J)

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