

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2965 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- KAHALGAON District- Bhagalpur

1. Girish Mandal Son of Late Bulu @ Paleshwar Mandal Resident of Vill- Pakartalla, P.S.- Kahalgaon, District- Bhagalpur
2. Brajesh Mandal Son of Bullu Mandal @ Brajesh Mandal Resident of Vill- Pakartalla, P.S.- Kahalgaon, District- Bhagalpur
3. Dhandhan @ Littan Mandal @ Uttam Mandal @ Dhandhan Mandal Son of Late Bullu Mandal @ Baleshwear Mandal Resident of Vill- Pakartalla, P.S.- Kahalgaon, District- Bhagalpur
4. Bimla Devi Wife of Brajesh Mandal Resident of Vill- Pakartalla, P.S.- Kahalgaon, District- Bhagalpur
5. Bebi Devi Wife of Dhandan Mandal Resident of Vill- Pakartalla, P.S.- Kahalgaon, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Anju Devi Wife of Basudeo Das Resident of Vill- Pakartalla, Ward No. 3, P.S.- Kahalgaon, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Davendra Kumar Pandey, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Narendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-04-2025 Heard learned counsel for the appellants, respondent
No. 2 and the State.

2. This appeal has been filed against the order dated 22.05.2024 passed by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with A.B.P. No. 997 of 2024 arising out of Kahalgaon P.S. Case No. 206 of 2024, registered under Sections



147, 341, 323, 324, 448, 504, 506 of the Indian Penal Code and Section 3(1)(r)/3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. It is alleged that on 24.03.24 all the F.I.R. named accused persons including these appellants entered the house of informant, abused her by caste name and assaulted informant and her two sons by means of *lathi, danda*.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Both parties are co-villagers and due to petty dispute over drainage of water, quarrel took place. Allegation of assault is general and omnibus and there is no specific allegation of overt act against these appellants. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. During pendency, matter has already been compromised between the parties. Appellants claim clean antecedent.

5. Learned counsel for the respondent No. 2 does not dispute the contention of compromise between the parties.

6. Considering the aforesaid facts and circumstances of the case, let the appellants, 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 and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Kahalgaon P.S. Case No. 206 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 22.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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