

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4265 of 2024

Arising Out of PS. Case No.-79 Year-2020 Thana- LADANIA District- Madhubani

1. Babita Devi Wife of Raj Kumar Mandal Resident of Village - Jhalauna, P.S. - Ladaniya, District - Madhubani
2. Sabita Devi Wife of Vijay Kumar Mandal @ Vijay Mandal Resident of Village - Jhalauna, P.S. - Ladaniya, District - Madhubani
3. Pawan Devi Wife of Joy Kumar Mandal @ Jay Kumar Mandal Resident of Village - Jhalauna, P.S. - Ladaniya, District - Madhubani
4. Sangita Devi Wife of Amit Mandal Resident of Village - Jhalauna, P.S. - Ladaniya, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukmari Devi Wife of Late Rama Awtar Paswan R/o Village- Jhalauna, P.S.- Ladaniya, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subhash Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-11-2025 Heard learned Advocate for the appellants and the
learned Spl. P.P. for the State.

2. Despite valid service of notice upon the respondent
No. 2, there is no representation on her behalf.

3. The present appeal is directed against the order
dated 16.08.2024 passed in ABP No. 1578 of 2024, registered
for the offences under Sections 341, 323, 324, 325, 504, 506,
379/34 of the Indian Penal Code and Section 3(F)(G)(R), 3(2)



(va) of the SC/ST (POA) Act in connection with Ladaniya P.S. Case No. 79 of 2020 corresponding to G.R. No. 57 of 2020, whereby the prayer for bail of the appellants stood rejected.

4. On the fateful day, when the informant reached to his land after withdrawing an amount of Rs.10,000/- from the Bank, he found that co-accused Raj Kumar Mandal along with other accused persons were putting soil on his land. When objection was made, all the accused persons, including the appellants, armed with *lathi*, *danda*, iron rod and spade came there and started abusing and assaulting. The accused Raj Kumar Mandal also snatched Rs.10,000/- and other valuables.

5. Learned Advocate for the appellants submitted that besides the fact that the appellants are women of clean antecedent, the genesis of occurrence is a land dispute and in fact the informant wanted to grab the land of the appellants and when the same was resisted, in order to put pressure and wreak vengeance, the present FIR came to be instituted. There is no specific allegation of any overt act against the appellants, and even if the allegation is taken to be true, it has not been disclosed that as to what abuse has been given to the informant. The alleged occurrence took place on 30.04.2020 and the FIR has been instituted on 02.05.2020 without any explanation of



delay. Even if the allegation is taken to be true, there is no material on record which suggests that the abuse and assault was made to lower down the prestige of the informant.

6. On the other hand, learned Spl. PP for the State vehemently opposed the prayer and submitted that the appellants have actively participated in the crime and abused and assaulted the informant.

7. Having regard to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the fact that the appellants are women having clean antecedent and against them there is no specific allegation of abuse and assault, attracting the penal provisions of SC/ST Act, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st Madhubani in connection with Ladaniya P.S. Case No. 79 of 2020, corresponding to G.R. No. 57 of 2020, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.



8. In view thereof, the impugned order dated 16.08.2024 passed in ABP No. 1578 of 2024, is hereby quashed. The appeal stands allowed.

(Harish Kumar, J)

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