

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.102 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- SC/ST District- Araria

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1. Heera Lal Mandal Son of Late Mohan Mandal Resident of Village- Pipra Jhakhran, P.S.- Jogbani, District- Araria.
 2. Jeera Lal Mandal Son of Late Mohan Mandal Resident of Village- Pipra Jhakhran, P.S.- Jogbani, District- Araria.
 3. Most. Agni Devi @ Ugni Devi Wife of Late Mohan Mandal Resident of Village- Pipra Jhakhran, P.S.- Jogbani, District- Araria.
 4. Kavita Devi Wife of Heera Lal Mandal Resident of Village- Pipra Jhakhran, P.S.- Jogbani, District- Araria.
 5. Chanchal Mandal @ Chanchal Kumar Son of Heera Lal Mandal Resident of Village- Pipra Jhakhran, P.S.- Jogbani, District- Araria.
 6. Veena Devi Wife of Jeera Lal Mandal Resident of Village- Pipra Jhakhran, P.S.- Jogbani, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amila Devi Wife of Ramchandra Dhami Resident of Village- Pipra, Jhakhran, P.S.- Jogbani, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent No.2:	:	Mr. Madhav Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-04-2025 Heard Mr. Gopal Kumar Jha, learned counsel for the appellants, Mr. Binay Krishna, learned Spl.P.P. for the State as well as Mr. Madhav Jha, learned counsel appearing on behalf of the Respondent No. 2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 17.11.2021 passed by the learned Court of 1st Additional Sessions Judge-cum-Special Judge, Araria in ABP No. 2055 of



2021 in connection with Spl. (SC/ST) Case No. 16 of 2020 arising out of Araria (SC/ST) P.S. Case No. 8 of 2020, F.I.R. dated 13.01.2020 registered under Sections 147, 148, 149, 323, 379, 354(B), 427, 504 and 506 of the Indian Penal Code and Sections 3(2) (Va) of the Scheduled Castes and Scheduled Tribes Act but the police after investigation submitted charge sheet under Sections 323, 504 and 506 of the Indian Penal Code and Sections 3(2)(va) of the SC/ST Act.

3. According to the prosecution case, all the accused persons abused and assaulted the informant and her family members over a petty dispute. It is further alleged that the accused persons also tried to outrage the modesty of the informant.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that due to petty dispute the present occurrence has taken place. He further submits that it appears from the F.I.R that the date of occurrence is 14.12.2019 but the present F.I.R has been instituted on 17.12.2019. Apart from that it appears that there is no specific allegation of assault against these appellants rather there is general and omnibus allegation against all the accused persons



including these appellants. He further submits that the occurrence took place in the house of the informant/complainant, so no case is made out under the SC/ST Act.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants have assaulted the informant/complainant and her family members.

6. 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.

7. Hence, let the appellants, above named, in the event of their arrest to 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) with two surities of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Spl. (SC/ST) Case No. 16 of 2020 arising out of Araria (SC/ST) P.S. Case No. 8 of 2020, 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 tampers 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.

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

(Rajesh Kumar Verma, J)

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