

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4726 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- CHAUSA District- Madhepura

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1. Viveka Mandal Son of Bindeshwari Mandal R/O Vil.- Pouda Tola, Louwa Lagan, Ward no. 08, P.S.- Chousa, Dist.- Madhepura.
 2. Manorama Devi Wife of Manikant Mandal R/O Vil.- Pouda Tola, Louwa Lagan, Ward no. 08, P.S.- Chousa, Dist.- Madhepura.
 3. Shanti Devi Wife of Viveka Mandal R/O Vil.- Pouda Tola, Louwa Lagan, Ward no. 08, P.S.- Chousa, Dist.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Saloni Murmu Wife of Amod Marandi Resident of Village- Haripur Tinkonma, Police Station- Murliganj, District- Madhepura, at present Head Mistress, N. Primary School, Pouda Tola, Louwa Lagan Purvi, Chousa-Block, Police Station-Chousa, Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kr. Singh, Advocate Ms. Kumari Rashmi, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-08-2025 Heard Mr. Shailendra Kr. Singh, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Learned Spl.P.P. for the State has informed this Court that he has informed respondent no. 2 through Superintendent of Police, Madhepura about the present case. Despite of that, 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



28.02.2024 passed by the learned Additional District and Sessions Judge-1st-cum- Special Judge, SC/ST (POA) Act, Madhepura in ABP No. 271 of 2024 arising out of Chousa P.S. Case No. 212 of 2023, F.I.R. dated 28.07.2023 registered under Sections 341, 323, 353, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the FIR named accused persons including these appellants have abused the informant by taking her caste name and tortured her mentally and physically. It is further alleged that they also abused the members of the School Education Committee, Children and Teacher with filthy words.

5. 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 it appears from the FIR itself that there is no specific allegation of any assault or overt act or abusing by taking caste name against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants apart from that it also appears from the FIR that the informant has not disclosed the date and time of the occurrence, which suggests



that the present FIR has been instituted only to harass the 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 informant has not disclosed the date and time of the present occurrence in the FIR, 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) each with two surities of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum- Special Judge, SC/ST (POA) Act, Madhepura in ABP No. 271 of 2024 arising out of Chousa P.S. Case No. 212 of 2023, 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.

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

(Rajesh Kumar Verma, J)

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