

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4743 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- BIHARIGANJ District- Madhepura

1. Satrudhan Mandal S/O Late Vishundeo Mandal Resident Of Village Patni Rahta, Ward No.11, P.S. Bihariganj District Madhepura.
2. Ramesh Mandal S/O Late Vishundeo Mandal Resident Of Village Patni Rahta, Ward No.11, P.S. Bihariganj District Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Khusbu Devi W/O Ajay Ram Resident Of Village Patna Rahta, Ward No.12, P.S. Bihariganj District Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. Public Prosecutor for the State.

2. This appeal has been filed against the order dated 31.08.2023 passed by learned Additional Sessions Judge 1st cum Special Judge, Madhepura in ABP No. 850 of 2023 arising out of SC/ST Madhepura P.S. Case No. 13 of 2023, registered under Sections 341, 323, 354A, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per F.I.R., on the alleged date and time of occurrence, when informant went to the maize field of appellant no. 1 to get loan of Rs. 5,000/- from him, he caught hold of her and disrobed her. It is alleged that when informant went to make complaint at the house of appellant no. 1, she was abused by caste name and assaulted by these appellants.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As per F.I.R., date of occurrence is 27.03.2023 but F.I.R. has been lodged on 16.05.2023 i.e. after inordinate delay of about 41 days which itself raises doubt over veracity of the prosecution case. From bare perusal of the F.I.R., it is manifest that informant had taken loan of Rs. 5,000/- from appellant no. 1 and when he demanded his money back, this false and concocted case was lodged. Allegation of assault and abuse by caste name is general and omnibus. 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. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.



6. Considering the nature of accusation, delay in lodging the F.I.R. and clean antecedent, 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 Sessions Judge 1st cum Special Judge, Madhepura in ABP No. 850 of 2023 arising out of SC/ST Madhepura P.S. Case No. 13 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 31.08.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

