

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4871 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Dinesh Mandal Sigeshwar Mandal Resident of Village- Gopalpur, P.S- Kahalgaon, District- Bhagalpur
 2. Neelam Devi Wife of Dinesh Mandal Resident of Village- Gopalpur, P.S- Kahalgaon, District- Bhagalpur
 3. Priyanka Kumari D/O- Dinesh Mandal Resident of Village- Gopalpur, P.S- Kahalgaon, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ghanshyam Tanti Son of Jichhu Tanti Resident of Village- Gopalpur, P.O- Shobhnathpur, P.S- Kahalgaon, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Indeshwari Prasad Mandal, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Complainant	:	Mr. Amrendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the complainant.

2. This appeal has been preferred against the order dated 23.08.2024 passed by the learned Court of Additional District & Sessions Judge-III-cum-Special Judge under S.C./S.T. Act, Bhagalpur in connection with Complaint Case No. 25 of 2023, registered for the offences under Sections 323, 379, 504, 354(B) and 354(D) of the Indian Penal Code and Section 3(1)(S) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the son of appellant no. 2 was abducted, for which a case had already been filed by



appellant no. 2. After about 11 days of that occurrence, the informant, who is an accused in the earlier case has lodged the present complaint.

4. Learned counsel for the appellants submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellants have been falsely implicated in this case. It is further submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellants. Hence, the application for anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in the cases of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067***, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the informant has opposed the prayer for bail.

6. From a perusal of the FIR, it does not appear that the alleged offence was committed against the informant on the ground that he belongs to the S.C./S.T. community.

7. In these circumstances, and considering the law laid down by the Hon'ble Supreme Court in ***Kiran Vs. Rajkumar Jivraj Jain and Anr. (supra)*** and ***Hitesh Verma Vs. State of***



Uttarakhand (supra), this application for anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 23.08.2024 passed by the learned Court of Additional District & Sessions Judge-III-cum-Special Judge under S.C./S.T. Act, Bhagalpur in connection with Complaint Case No. 25 of 2023 is set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III-cum-Special Judge, S.C./S.T. Act, Bhagalpur/ concerned Court below in connection with Complaint Case No. 25 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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