

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4936 of 2023**

Arising Out of PS. Case No.-174 Year-2022 Thana- MANIGACHI District- Darbhanga

1. Amarjit Kumar Mandal @ Amarjit Mandal S/O Raj Kumar Mandal @ Ram Kumar Mandal R/O Kayasth Kabai, P.S- Nehra Op, Distt.- Darbhanga.
2. Amit Kumar Mandal S/O Raj Kumar Mandal @ Ram Kumar Mandal R/O Kayasth Kabai, P.S- Nehra Op, Distt.- Darbhanga.
3. Suman Mandal @ Chiranjiv Mandal @ Chiranjib Mandal S/O Sthal Mandal @ Kamal Mandal R/O Kayasth Kabai, P.S- Nehra Op, Distt.- Darbhanga.
4. Sambhal Mandal @ Kamal Mandal S/O Late Mushar Mandal @ Late Muneshwar Mandal @ Musharu Mandal R/O Kayasth Kabai, P.S- Nehra Op, Distt.- Darbhanga.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bindeshwar Ram S/O Late Jhameli Ram R/O Kayasth Kawai, P.S- Nehra Op, Distt.- Darbhanga.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Abhimanyu Deo, Advocate  
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      22-04-2025      Despite of valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2.

2. Heard Mr.Abhimanyu Deo, learned counsel for the appellants, learned counsel for respondent No.2 and Mr.Sadanand Paswan, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 28.08.2023 in A.B.P. No.72 of 2023 passed by



the learned 3<sup>rd</sup> Additional Sessions Judge-cum- Exclusive Special Court, SC/ST Act, Darbhanga in connection with Manigachhi (Nehra OP) P.S.Case No. 174 of 2022, FIR dated 19.08.2022 registered under Sections 147,341,323,325,354,504 & 506 of the Indian Penal Code as well as under Sections 3(1) (r), 3(1)(s), 3(1)(a), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. The prosecution case, in short, is that on 06.08.2022 at about 01.00 pm informant nephew Mithilesh Ram was taking bath in Government tube-well then suddenly Godhan Mandal came and told that "CHAMARWA HARIJAN KHULEAM CHAPAKAL PE ASNAN KAR RAHA HAI How dare you taking bath here and when informant nephew protested then Vishwajeet Mandal, Suman Mandal, Amarjit Mandal, Amit Kumar Mandal. Samal Mandal, Raj Kumar Mandal Lalan Mandal, Ajit Mandal. Altogethr started beating informant nephew and all the accused told that "SALA NETAGIRI KARTA HAI" and told to kill informant nephew and all the 2869/23 accused person started beating from danda, Lathi and hocky stick and injured Mithilesh Ram hand from blunt weapon. Later on informant son was tide with an electric pole and beaten him mercilessly and Amarjeet Mandal in an open road urinate in



a bottle and make drink to informant three sons and left urine was kept on the body of informant sons. It is further alleged that accused entered into the house of informant and molest informant daughter in law Pinki Devi thereafter villager came and save the life of informant and his family members.

5. Learned counsel for the appellant submits that the appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that the date of occurrence as alleged in the FIR is 06.08.2022 but the present FIR has been instituted on 19.08.2022 after delay of about 13 days without giving any explanation of delay. Before filing of the present FIR, the appellants' side had also filed an FIR against the informant and his family members on 06.08.2022 itself and as per allegation in the FIR is concerned, it transpired that there is no specific allegation of any assault or overt-act attributed against the appellants rather there is general and omnibus allegation and injury report of the informant and his son is concerned that both the injuries are simple in nature and it appears from the FIR itself that the appellants have not abused the informant by his caste name.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory 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 Schedule Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent, FIR has been instituted after delay of about 13 days and the injury inflicted upon the injured persons is simple in nature and it transpired from the FIR that the appellants have not abused the informant by his caste name so no case is made out under the SC/ST Act against the appellants, let the appellants, above named, in the event of their arrest or 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 sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Sessions Judge-cum- Exclusive Special Court, SC/ST Act, Darbhanga in connection Manigachhi (Nehra OP) P.S.Case No. 174 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 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 tamper 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)**

Nitesh/-

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