

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5052 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Madhepura

- 1 . Badal Mandal son of the Late Jhotan Mandal Village- Baijnathpur, Ward no. 2, Ps- Bihariganj, Dist- Madhepura
2. Arvind Mandal son of Badal Mandal Village- Baijnathpur, Ward no. 2, Ps- Bihariganj, Dist- Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar , Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-07-2025 Heard learned counsel for the appellants, the State . Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 11.09.2022 passed in a case registered for the offence punishable under sections 341 , 323 , 324, 427, 379, 504, 506 and 34 of the IPC and sections 3(1) (r) (s) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby prayer for regular bail of these appellants has been rejected.

3 . As per the prosecution case , on 23.03.2024 at 8 PM , while informant was at his house , in the meantime , all the



accused persons including these appellants armed variously came there and abused informant by caste name and assaulted him with iron rod and also snatched Rs. 500/- from pocket of informant. It is further alleged that when one Santosh Kumar and Gaurav Kumar came to his rescue , then accused persons also assaulted them.

4. It is submitted that appellants are innocent and have committed no offence as alleged. F.I.R. has been lodged after delay of 5 days for which there is no plausible explanation which itself creates doubt over the veracity of entire prosecution case . As a matter of fact, due to petty dispute a simple occurrence of maarpeet took place in between the parties in which both sides sustained injuries. Case and counter case . It is not the case of the respondent no.2 that any member of the public was present at the place of incident, as such, no offence under the SC/ST Act is made out against these appellants and they in custody since 21.07.2024 .

5 . Learned special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside .

7. Let these appellants, named above, be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each
with two sureties of the like amount each to the satisfaction of
the ADJ Ist- cum- spl. Judge SC / ST Madhepura in connection
with Madhepura Police Station Case No. 04 of 2024 .

(Prabhat Kumar Singh, J)

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