

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5144 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- MOKAMAH District- Patna

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1. Akhlesh Kumar @ Akhilesh Kumar @ Aklesh Kumar S/O Lalan Yadav Resident of village- Sultanpur Bagi, P.S- Mokama, Distt- Patna.
 2. Karu Yadav S/O Checharu Yadav Resident of village- Sultanpur Bagi, P.S- Mokama, Distt- Patna.
 3. Mangal Kumar @ Nandlal Yadav S/O Jairam Yadav Resident of village- Sultanpur Bagi, P.S- Mokama, Distt- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumari Devi W/O Hareram Paswan Resident of village- Sultanpur Bagi, P.S- Mokama, Distt- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prem Ranjan Kumar, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-11-2025 Heard learned counsel for the appellants, learned
counsel for the informant and learned Spl. P.P. for the State.

2. Learned counsel for the appellants seeks permission
to withdraw this application with respect to appellant no. 3
namely, Mangal Kumar @ Nandlal Yadav.

3. Permission is accorded

4. Accordingly, this application stands dismissed as
withdrawn with respect to appellant no. 3 namely, Mangal
Kumar @ Nandlal Yadav.

5. This appeal is preferred against the order dated



04.10.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mokama P.S. Case No. 174 of 2024 registered under Sections 323, 307, 504, 506, 34, 448 of the Indian Penal Code and under Section 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(va) of the SC/ST (POA) Act by which the prayer of the appellants for grant of anticipatory bail has been rejected.

6. As per the prosecution case, appellant no. 3 namely, Mangal Kumar @ Nandlal Yadav in inebriated state molested the informant's daughter and when the informant went to the house of the accused to complain then all the appellants arrived at the house of the informant and started abusing by taking caste name and also indulged in assault.

7. Learned counsel for the appellants submits at the outset that it would be apparent from the first information report itself that the allegation of molesting the informant's daughter is specific on co-accused Mangal (appellant no. 3) and so far as the other allegation of abuse and assault is concerned, which has been alleged in general and omnibus fashion against the other appellants, has been said to be done inside the house of the informant and thus there is no question of any public view of the said occurrence thereby making the provisions of the SC/ST Act not applicable to the facts and circumstances of the case. It has



also been submitted that there is case and counter case and case filed on behalf of the appellants and there is no injury suffered on the informant's side.

8. Learned counsel for the State and learned counsel for the informant have opposed the prayer of the appellants.

9. Since the allegations itself discloses that the occurrence, if any, has taken place inside the house of the informant and hence, *prima facie* provisions of SC/ST Act do not seem to be getting attracted.

10. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

11. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 04.10.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mokama P.S. Case No. 174 of 2024, is hereby set aside.

12. Let the appellants (except appellant no. 3), 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 Exclusive Special Judge, SC/ST Act, Patna/concerned Court below in ABP No.



4008 of 2024 in connection with Mokama P.S. Case No. 174 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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