

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.694 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- SC/ST District- Purnia

Baso Mandal @ Basu Mandal Son of Late Mangal Mandal Resident of Bisharia, Chai Tola, Ward No. 14, P.S.- Barhara Kothi, Distt.- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupesh Kumar Son of Pramod Ram Resident of Village- Bisharia Chai Tola, Ward No. 14, P.S.- Barhara Kothi, Distt.- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Singh, Advocate
For the Respondent No. 2	:	Mr. Navin Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 25-02-2026 Heard learned counsel for the appellant, learned counsel for the Respondent No. 2 and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 06.01.2025 passed by learned Special Judge SC/ST Act, Purnea in A.B.P. No. 148 of 2024 in connection with SC/ST P.S. Case No. 85 of 2024, registered under Sections 307, 323, 379, 147, 148 and 384 of the I.P.C., under Section 27 of the Arms Act read with Sections 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for



grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 18.06.2024, the appellant along with co-accused persons armed with weapons, arrived at the door of the informant, Rupesh Kumar, and hurled caste-based slurs at him. When the informant and his family member opposed, then all the accused persons started assaulting them and co-accused Sanjay Mandal assaulted the informant on his head by means of iron rod due to which he sustained severe head injury and blood started oozing out. It is further alleged that co-accused Ino Mandal assaulted Pramod Rai (father of the informant) by means of iron rod as a result of which he sustained injury on his cheek and co-accused Biro Mandal and Shravan Mandal assaulted Punita Devi and Baby Kumari and snatched chain and threatened to cut them into pieces and throw them into the river if they file any case. The informant was taken to Sadar Hospital, Purnea for treatment. Further, on 28.06.2024, all the accused persons came to the house of the informant and asked him to give two lacs rupees as ransom and Pappu Ram (brother of the informant) was forcibly dragged by the accused persons and severely beaten. Thereafter, Pappu Ram was rescued from the clutches of the accused persons with the help of the villagers. The accused persons are also alleged to



have outraged the modesty of female family members of the informant.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. It is further submitted that there is a delay of more than three months in lodging the FIR without giving any plausible explanation for the same and there is land dispute between the parties. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation levelled against the appellant and specific allegation of assault on the head of the informant is against co-accused Sanjay Mandal while there is specific accusation of assault on the father of the informant is against Ino Mandal. Moreover, Biro Mandal and Shravan Mandal are alleged to have assaulted specifically on Punita Devi and Baby Devi. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be



granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that there is delay of three months in lodging the FIR and the allegation does not appear to be within public view, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 85 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 06.01.2025 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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