

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1240 of 2025

Arising Out of PS. Case No.-1 Year-2024 Thana- SC/ST District- Muzaffarpur

1. Ajay Mandal Son of Dhana Mandal Resident of Village - Madhuban, P.S.- Aurai, District - Muzaffarpur
2. Shiv Dayal Singh @ Shividayal Mahto Son of Parmeshvr Singh Resident of Village - Madhuban, P.S.- Aurai, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudha Kumari Wife of Amar Ram Resident of Village - Madhuban, P.S.- Aurai, Dist.- Muzaffarpur

... Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-01-2026 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Ms. Usha Kumari 1.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 15.02.2025 in A.B.P. No. 3897 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Muzaffarpur in connection with SC/ST P.S. Case No. 01 of 2024 registered for the offences punishable under Sections 341, 323, 427, 384, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)



(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 07.01.2026, it would manifest that the notice has been validly served upon respondent no. 2, but then respondent no. 2 despite receiving notice chooses not to appear and contest. It is next submitted that appellants are persons with clean antecedent and the informant alleges that on 25.12.2023, she was getting her boundary constructed at 08:40 AM, when accused persons came and stopped the construction work, thereafter abused by taking caste name and assaulted her and thereafter assaulted her husband, it is also alleged that accused persons are land grabbers.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is next submitted that no doubt it is alleged that accused persons including the appellants abused and assaulted the informant and her husband, but then allegation of abuse and assault is general and omnibus in nature i.e. no specific allegation of abusing and assaulting is alleged against



the appellants.

5. Learned Spl. P.P. for the State opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 15.02.2025 in A.B.P. No. 3897 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Muzaffarpur in connection with SC/ST P.S. Case No. 01 of 2024, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with SC/ST P.S. Case No. 01 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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