

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2507 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- SC/ST District- Banka

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1. Budhhan Mandal Son of Late Kheshari Mandal @ Sukhay Mandal R/o village - Khurdkol, PS - Amarpur, Dist. - Banka
 2. Goutam Mandal @ Goutam Kumar son of Buddhan Mandal R/o village - Khurdkol, PS - Amarpur, Dist. - Banka
 3. Bipin Mandal @ Bipi Kumar son of Buddhan Mandal R/o village - Khurdkol, PS - Amarpur, Dist. - Banka
 4. Suraj Mandal @ Suraj Kumar son of Budhhan Mandal R/o village - Khurdkol, PS - Amarpur, Dist. - Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi wife of Raghunandan Choudhary R/o village - Khurdkol, PS - Amarpur, Dist. - Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nawal Kishore Agrawal, Sr. Advocate Mr. Indeshwari Prasad Mandal, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P. Mr. Shubhesh Pandey, Advocate Mr. Murlidhar Mishra, Advocate Mr. Vinit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-03-2026 1. Heard learned Senior Counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 08.04.2025 in A.B.P. No. 111 of 2025 passed by the



learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Banka in connection with Banka SC/ST P.S. Case No. 01 of 2025 registered under Sections 126(2), 115(2), 351(2), 352 and 3(5) of the BNS as well as Sections 3(i)(r)(ss)(w) and 3(2)(va) of the SC/ST Act.

3. Learned Senior Counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 26.12.2024, at about 07:00 a.m., the accused persons including the appellants were constructing a passage on the government land in front of the house of the informant. On objection, the accused persons entered the house of the informant and abused her by taking caste name and even assaulted on account of which she got injured and when the son of the informant came to save her, he was also assaulted by the accused persons.

4. Learned Senior Counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is not specific. It is further submitted that on account of dispute relating to land, the occurrence is alleged to have taken place. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence is alleged to



have taken place inside the house of the informant, thus, was not in public view on which learned counsel appearing on behalf of the informant submits that the police, after investigation, submitted charge-sheet based on which cognizance has been taken.

5. Learned Senior Counsel appearing on behalf of the appellants replied by submitting that the police, during the course of investigation, never felt the need of arresting the appellants and, thus, gave notice under Section 41A of the Cr.P.C. and the appellants cooperated in the investigation but then in a mechanical manner charge-sheet came to be submitted based on which cognizance has been taken. It is further submitted that when the police never felt the need of arresting the appellants during the course of investigation, whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance on which learned counsel appearing on behalf of the informant submits that since charge-sheet has been submitted and cognizance taken, as such, a prima facie case is made out, hence, rigors of Section 18 of the SC/ST Act shall apply.

6. Learned Special Public Prosecutor for the State opposed the prayer for anticipatory bail of the appellants.



7. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege anticipatory bail to the appellants but for the order of cognizance, as such, the appeal is disposed of with a direction to the appellants to surrender before the learned Trial Court on 09.04.2026 and if the appellants surrender on 09.04.2026, in that event, the learned Trial Court shall consider and dispose of the case on the same day.

8. The order has been passed in presence of the learned counsel appearing on behalf of the informant.

(Satyavrat Verma, J)

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