

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3419 of 2025

Arising Out of PS. Case No.-114 Year-2019 Thana- BHAIKAVSHTHAN District-
Madhubani

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1. Sujit Bhandari @ Sujit Chaudhary @ Sujit Kumar Chandra S/O Mithilesh Bhandari Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani
 2. Anil Bhandari @ Anil Kr. Bhandari S/O Ramanand Bhandari Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani
 3. Dilip Chaudhary S/O Ayodhi Chaudhary Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani
 4. Sudarshan Chaudhary @ Sudarshan Bhandari S/O Ramashish Bhandari Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani
 5. Rakesh Bhandari @ Rakesh Kumar Bhandari S/O Shreekant Bhandari Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani
 6. Srikant Bhandari S/O Rajendra Bhandari Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani
 7. Ram Awtar Bhandari S/O Jageshwar Bhandari Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nunu Mandal S/O Parikshan Mandal Resident Of Village- Kako, P.s.- Bhairabsthan, Dist.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Jha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For resp. no. 2	:	Manoj Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-02-2026 Heard Mr. Gopal Jha, learned counsel for the appellants and Mr. Manoj Kumar Jha for the respondent no. 2.

2. The present Memo of Appeal has been filed on behalf of the appellants against the order dated 26.06.2025, passed in G.R. No. 126 of 2019, in connection with Bhairabsthan P.S. Case No. 114 of 2019, by which the appellants have falsely been



implicated in this case for the offences punishable under sections 143, 341, 323, 324, 354(B), 337, 379, 504, 506 / 34 of I.P.C. and under sections 3(i) (r), 3(2) (va) of the SC/ST Prevention of Atrocities Act, pending in the court of learned 1st Additional Session Judge cum – Special Judge (P.O.A. Act) Madhubani whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that his villager came and made a request to fill up the soil. He being the tractor driver, went to the place and while returning, allegation is that the accused persons armed variously firstly stopped the tractor and then after taking caste name, assaulted. Allegation is that these appellants not only gave shoes blow on the mouth, appellant no. 6 also spitted, outraging the modesty of the mother who came to the rescue and snatching of amount is also there. This led to the FIR.

4. Learned counsel for the appellants submit that though there has been delay in reaching the Court, neither there was any caste abuse nor the assault, as disclosed. FIR has also been filed four days later. The further submission is that at the time of investigation itself, the parties acknowledging that they are known to each other and are close, came to an agreement and do not want to pursue the matter further which has been reported to the Police



also. In that background, the Police submitted final form but cognizance has been taken in the matter.

5. Learned State Counsel opposes the prayer for anticipatory bail submitting that cognizance has been taken in the matter.

6. To this, learned counsel for the appellant has come forward with an order of a Co-ordinate Bench of this Court in **Cr. APP (SJ) No. 324 of 2025 (Prayag Sao vs. State of Bihar)** disposed of on **02.04.2025** with reference to **paragraph no. 5, 7 and 8**. He submits that the said order is applicable in the present case inasmuch as it was mainly the land dispute as the informant being a tractor driver, was filling the soil which infuriated the accused and led to the assault. It is also not the case that the caste abuse took place in public view and as such, the appeal is maintainable.

7. The informant was noticed by the Co-ordinate Bench and he has appeared and endorsed the submissions put forward by the learned counsel for the appellant that they being close to each other, have come to an agreement and further, the aforesaid case of Prayag Sao (supra) is applicable in the present matter.

8. Considering the aforesaid facts as also the development that has taken place in between, the parties have come to an agreement, cognizance has been taken, the law will



take its own course, to keep social harmony, considering the aforesaid facts as also taking look at the Prayag Sao (supra) case, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

9. The impugned order dated 26.06.2025 in G.R. No. 126 of 2019 in connection with Bhairabsthan P.S. Case No. 114 of 2019 by learned 1st Additional Session Judge cum – Special Judge (P.O.A. Act) Madhubani stands set aside and the appeal is allowed.

10. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, 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 learned Court of 1st Additional Session Judge cum – Special Judge (P.O.A. Act) Madhubani in connection with G.R. No. 126 of 2019 in connection with Bhairabsthan P.S. Case No. 114 of 2019 .

(i) one of the bailor should be the family members/relatives of the appellants, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the appellants shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the appellants shall appear before the concerned police station every month for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellants shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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