IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4173 of 2025

CNR No. BRHC011054962025

Arising Out of PS. Case No.-65 Year-2025 Thana- PURAINI District- Madhepura

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1. Angrej Mandal S/O Late Ramotar Mandal Residents of Village- Ward No. 04, Durgapur, P.O. Durgapur, P.S- Puraini, District- Madhepura.
2. Luchia Devi @ Lukhiya Devi D/O Ramotar Mandal Residents of Village- Ward No. 04, Durgapur, P.O. Durgapur, P.S- Puraini, District- Madhepura.
3. Bina Devi W/O Angrej Mandal Residents of Village- Ward No. 04, Durgapur, P.O. Durgapur, P.S- Puraini, District- Madhepura.
4. Phulan Devi @ Phul Kumari Devi W/O Mukul Mandal Residents of Village- Ward No. 04, Durgapur, P.O. Durgapur, P.S- Puraini, District- Madhepura.

... ... Appellant/s

Versus

1. The State of Bihar
2. Priyanka Devi D/O Makeswar Supat R/O Village- Durgapur Ward No. 5, P.O- Durgapur, P.S- Puraini, Distt.- Madhepura.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sunil Prasad, Advocate
For the Respondent/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

7 28-10-2026 1. Heard learned counsel for the appellants and Mr. Chandra Bhushan Prasad, learned Additional Public Prosecutor for the State.

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 28.05.2025 in A.B.P. No. 589 of 2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special

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Judge, SC/ST (POA) Act, Madhepura in connection with Puraini P.S. Case No. 65 of 2025 registered under Sections 126(2), 115(2), 76, 303(2) and 3(5) of the BNS as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that from perusal of the office report, it would manifest that the notice has been received by the mother of the informant. It is further submitted that since the mother of the informant received the notice, hence, it is deemed to be validly served.

4. The Court is in complete concurrence with the submission made by the learned counsel appearing on behalf of the appellants.

5. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and appellants no. 2, 3 and 4 are women and the informant alleges that on 12.04.2025 at 11:00 p.m. she was sleeping when Angrej Mandal (appellant no. 1) came and started acting inappropriately and abused by taking caste name and tried to commit rape but on alarm he fled away. It is further alleged that on 13.04.2025 while she was going to the police station, when accused persons including the appellants

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intercepted her and tried to assault but she saved herself by fleeing but appellant no. 1 snatched her chain.

6. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that since appellants did not vote for the sitting Surpanch, as such, he got the instant case instituted through the informant. It is next submitted that even the allegation as alleged in the FIR does not inspire confidence for the reason that it does not appear probable that appellant no. 1 in the night would have entered the house of the informant knowing that her family members are also present and would have tried to outrage her modesty. It is also submitted that even allegation is of attempt and not of rape but then the said allegation has been alleged only to give seriousness to the case when no occurrence of the nature as alleged ever took place. It is further submitted that though the informant alleges that she was assaulted but then there is no injury report on the record. It is next submitted that the entire occurrence is alleged to have taken place at the house of the informant and, thus, was not in public view. It is also submitted that this perhaps explains why the informant, despite receiving notice, chooses not to appear and contest.

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7. Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants.

8. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, 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 in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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