

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4418 of 2025

Arising Out of PS. Case No.-27 Year-2020 Thana- FORBESGANJ District- Araria

Gurudev Mandal Son of Indra Nand Mandal R/o Village - Rahikapur, Thila
Mohan(R.T. Mohan), P.S. - Simraha, Dist. - Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basho Rishideo Son of Late Dhorik Rishideo R/o Village - Rahikapur, Thila
Mohan, P.S. - Simraha, Dist. - Araria.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Kundan Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Resp.No.2	:	NONE

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-07-2026 Heard learned counsel for the appellant and learned

Special P.P. for of the State. Despite valid service of notice,

nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against an order,

passed by learned 1st Addl. Sessions Judge-cum-Special Judge,
Araria, in a case registered under Sections 341, 323, 325, 379,
504, 34 of the Indian Penal Code and Section 3(i)(x) of the
SC/ST Act, whereby the prayer for anticipatory bail of appellant
has been rejected.

3. As per prosecution case, on 26.12.2019 at about 7

PM, the informant was returning home, in the meantime, F.I.R.

named accused persons came, abused by caste name and



thereafter, on the point of pistol, snatched Rs. 7,000/- from his pocket. It is further alleged that on the same night, the F.I.R. named accused persons, including this appellant, came to the house of informant, abused him by caste name, snatched cash of Rs. 3,000/- from the box alongwith silver ornaments, kept in the house of informant.

4. Learned counsel for the appellant submits that as per F.I.R. itself, this appellant is only alleged to be member of the unlawful assembly. There is no allegation of assault or abuse against this appellant and as such, no case under the SC/ST Act is made out against this appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order is, hereby, set aside and this appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions Judge-cum-Special Judge,



Araria, in connection with Spl.SC/ST. Case No. 10 of 2020,
arising out of Forbesganj (Simraha) P.S. Case No. 27 of 2020.

(Prabhat Kumar Singh, J)

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