

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.984 of 2024**

Arising Out of PS. Case No.-4 Year-2024 Thana- RIVILGANJ District- Saran

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1. Manoj Mahto S/O Jamadar Mahto R/O Village- Devariya, P.S- Rivilganj, Distt.- Saran, Chapra.
  2. Raja Ram Mahto @ Raj Ram Mahto S/O Jamadar Mahto R/O Village- Devariya, P.S- Rivilganj, Distt.- Saran, Chapra.
  3. Vishal Mahto @ Vishal Mahato S/O Gorakh Mahto R/O Village- Devariya, P.S- Rivilganj, Distt.- Saran, Chapra.
  4. Brajesh Mahto S/O Tulsi Mahto R/O Village- Devariya, P.S- Rivilganj, Distt.- Saran, Chapra.
  5. Chamcham Mahto S/O Jamadar Mahto R/O Village- Devariya, P.S- Rivilganj, Distt.- Saran, Chapra.
  6. Birendra Mahto @ Birendra Mahato S/O Jamadar Mahto R/O Village- Devariya, P.S- Rivilganj, Distt.- Saran, Chapra.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ajit Kumar, son of name not known, S.I Rivilganj P.S And Distt.- Saran, Chapra. Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Alok Kumar Alok  
For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      19-04-2024                      1. Heard the learned counsel for the appellants and  
  
the learned Special Public Prosecutor for the State.
2. The learned counsel for the appellants seeks  
  
permission to withdraw the present appeal with respect to  
  
appellant no.1, namely, Manoj Mahto.
3. Permission is accorded.



4. Accordingly, instant petition is dismissed as withdrawn with respect to appellant no.1, namely, Manoj Mahto.

5. The rest appellants have challenged the order dated 30.01.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Rivilganj P. S. Case No.04 of 2024, instituted for the offences under Sections 147, 148, 149, 341, 323, 353, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel for the appellants submits appellants have antecedent of criminal cases, but then, all the criminal cases is in between the appellants only. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant, who is Police Officer, alleges that he received information that accused persons are involved in selling of liquor. Accordingly, he along with police force went to the place of



occurrence, when it is alleged that the accused persons including the appellants started abusing and created obstruction in discharge of official duty and even assaulted the police force. Further, the accused persons also abused the Chaukidar by taking his caste name and thereafter, Dhanraj Mahto and Sikandar Mahto tried to strangulate the Chaukidar by putting towel around his neck, but he was saved.

7. The learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not record that the occurrence was witnessed by any independent witness and the allegation of abuse and threat is general and omnibus in nature. It is also submitted that none of the police personnel were injured, nor there is any injury report of the injured on record. It is also submitted that though in the F.I.R., it is alleged that the informant on receiving information that accused persons were involved in business of liquor and were selling liquor,



reached the place of occurrence, but then, no case under the Excise Case came to be instituted, which amply demonstrates that no liquor was found from the place of occurrence.

8. Regard being had to the aforesaid submissions, the order dated 30.01.2024 is set-aside.

9. The appeal stands allowed.

10. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Rivilganj P. S. Case No.04 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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