

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.454 of 2024**

Arising Out of PS. Case No.-228 Year-2023 Thana- MAHKAR District- Gaya

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1. Mithlesh Mahto Son Of Late Teja Mahto @ Girija Mahto R/O-Sapneri, P.S.-MAHKAR, Distt.-GAYA
 2. Nitesh Kumar @ Nitish Kumar Son Of Bijay Prasad R/O-Sapneri, P.S.-MAHKAR, Distt.-GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarita Devi Wife Of Upendra Choudhary R/O-Sapneri, P.S.-mahkar, Distt.-gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivendra Prasad, Advocate
		Ms. Chandni Kumari, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 07-02-2025 Heard learned counsel for the appellants and learned Spl. Public Prosecutor appearing on behalf of the State. Despite valid service of notice, no one appears on behalf of the opposite party No. 2.

2. This appeal has been filed against the order dated 18.12.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 1277 of 2023, arising out of Mahkar P.S. Case No. 228 of 2023, registered under Sections 147, 323, 380, 452, 504, 34 of the Indian Penal Code and Section 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for regular



bail of appellants has been rejected.

3. As per F.I.R., on the alleged date and time of occurrence, all the accused persons including these appellants assaulted and abused informant and her daughter-in-law by caste name. It is further alleged that the accused persons also snatched gold chain of informant's daughter-in-law.

4. Learned counsel for the appellants submits that the present case is counter blast of Mahkar P.S. Case No. 52 of 2020 which was lodged by appellant no. 1 against informant and others in which informant and others brutally assaulted appellant no. 1 due to which he sustained multiple injuries. It is not the case of the informant that any member of public was present at the time of occurrence, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent and they are in custody since 26.11.2023 and 29.11.2023 respectively.

5. Learned Spl. Public Prosecutor for the State opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the appellants, as named above be released on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with B.P. No. 1277 of 2023, arising out of Mahkar P.S. Case No. 228 of 2023.

7. Accordingly, the impugned order dated 18.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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