

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.540 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- NTPC District- Patna

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1. SURAJ MAHTO SON OF HARIHAR MAHTO R/O-RAILLY PANCHMAHLA BIND TOLA, P.S.-N.T.P.C., DISTT.-PATNA
 2. DINA MAHTO @ DINESH MAHTO SON OF LATE BIPAN MAHTO @ LATE DIPAN MAHTO R/O-RAILLY PANCHMAHLA BIND TOLA, P.S.-N.T.P.C., DISTT.-PATNA
 3. HARIHAR MAHTO SON OF LATE BRIKSH MAHTO R/O-RAILLY PANCHMAHLA BIND TOLA, P.S.-N.T.P.C., DISTT.-PATNA

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sheo Kumar Paswan Son Of Late Sita Ram Paswan R/O-Railly, P.S.-N.T.P.C., Distt.-PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rikesh Sinha
For the Respondent/s	:	Mr. Sadanand Paswan Mr. Navin Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-09-2025 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 09.01.2024 passed by the learned Exclusive Special Judge SC/ST, Patna in connection with ABP No.11318 of 2023 arising out of NTPC P. S. Case No.144 of 2023, instituted for the offences under Sections 147, 148, 149, 323, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes



(Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 25.01.2023 at 8.00 P.M. while he was sitting in front of his house when on account of old land dispute, 14 accused persons including the appellants having illegal weapon came and started abusing by taking caste name and also fired 6-7 round and thereafter fled away.

4. The learned counsel appearing on behalf of the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have been taken place. It is also submitted that though it is alleged that accused persons including the appellants came variously armed and fired but then, no one was injured in the firing as it has been specifically pleaded at ground no.3 of the appeal. It is also submitted that the FIR does not even suggest that occurrence was witnessed by any independent person. It is also submitted that the occurrence did not take place in public view and allegation of firing is exaggerated only to give seriousness to the case.

5. The learned Special P.P. opposes the anticipatory



bail application.

6. Regard being had to the aforesaid submissions, the order dated 09.01.2024 is set-aside.

7. The appeal stands allowed.

8. 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.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Patna in connection with ABP No.11318 of 2023 arising out of NTPC P. S. Case No.144 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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