

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.455 of 2025

Arising Out of PS. Case No.-270 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

1. Mala Devi Wife of Rajesh Shah Resident of Village -Kauriya Tola Lilahi P.S.- Bhagwanpur Hat, Dist- Siwan
2. Kiran Kumari wife of Munnilal Maho Resident of Village -Kauriya Tola Lilahi P.S.- Bhagwanpur Hat, Dist- Siwan
3. Ravindar Mahto son of Mangal Mahto Resident of Village -Kauriya Tola Lilahi P.S.- Bhagwanpur Hat, Dist- Siwan
4. Sampati Devi Wife of Ravindar Mahto Resident of Village -Kauriya Tola Lilahi P.S.- Bhagwanpur Hat, Dist- Siwan
5. Niraj Kumar Sah @ Niraj Kumar Son of Manoj Sah Resident of Village -Kauriya Tola Lilahi P.S.- Bhagwanpur Hat, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram, ASI, Bhagawanpur Hat, Ps- Bhagwanpur Hat, Dist- Siwan
bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2025 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State, Ms. Usha Kumar 1.

2. The appellants have challenged the order dated 08.01.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P. S. Case No.270 of 2023, instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 379, 337, 338, 307, 353,



427, 504 and 506 of the Indian Penal Code and Section 3(1)(r) (s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that the appellants have antecedent of one case. It is next submitted that Appellant Nos. 1 and 5 belong to the Scheduled Caste community as such SC/ST Act would not be applicable against them. It is next submitted that the allegations against the appellants are general and omnibus in nature. It is further submitted that the informant alleges that he along with the police force had gone to apprehend the accused namely, Nitesh Kumar, when police force was intercepted by the accused persons, who created ruckus. It is further submitted that specific allegation of assault is against Ravi Kumar Mahto, Rahul Kumar and Brij Kishore Mahto, as such no specific allegation is alleged against the appellants. It is also submitted that similarly situated accused persons, Munar Nut and Anup Nut have been granted the privilege of anticipatory bail vide order dated 10-4-2024 in Cr. Appeal (SJ) No. 690 of 2024 and Rameshwar Shah and two others have been granted the privilege of anticipatory bail vide order dated 20-4-2024 in Cr. Appeal (SJ) No. 1181 of



2024.

4. Learned Spl. PP opposes the prayer for anticipatory bail.

5. Regard being had to the aforesaid submissions, the order dated 08.01.2025 is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned trial Court 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 Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P. S. Case No.270 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

