

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.809 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- SC/ST District- Samastipur

=====

Mahesh kumar Son of Ramnath @ Ramnath Sah Resident of Village-
Jogiyamath, P.S.- Karpurigram, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Savita Devi Wife of Sheocharan Ram Resident of Village- Jogiyamath, P.S.-
Karpurigram, Distt.- Samastipur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-11-2025 Heard learned counsel for the appellant and learned

Special P.P, Mr. Binay Krishna. None appears on behalf of the

informant.

2. This is an appeal under Section 14(A)2 of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 04.02.2025, passed by learned Special Judge, SC/ST
(POA) Act, Samastipur in connection with Samastipur SC/ST
P.S. Case No.99 of 2024, registered under Sections 126(2),
115(2), 329(3), 329(4), 76, 352, 109, 351(2), 3(5) of B.N.S.,
2023 as well as under Sections 3(i)(r)(s)(w) and 3(2)(v) of the



SC/ST Act.

3. Learned counsel appearing on behalf of the appellant submits that appellant has antecedent of two cases and the informant alleges that she lives with her daughter and son and her husband works outside as a labourer for earning, further on 28.08.2024 at about 01:00 p.m., a tree was uprooted and fell on the house of the informant damaging her bathroom, thereafter informant along with her son and daughter were cutting the branches of the tree when seven named and three unknown accused persons including the appellant came at the door of the informant and started abusing by taking caste name and stopped the informant from cutting the branches on which the informant objected. Thereafter Chandradeep Sah pulled the informant's hair and dashed her on the ground unveiling her, further appellant assaulted the informant repeatedly with bamboo stick causing injury on head and her ear membrane was damaged, thereafter informant was taken to Sadar Hospital, Samastipur for treatment.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that on



account of dispute relating to cutting of branches of a fallen tree, the occurrence is alleged to have taken place. It is also submitted that even presuming what has been alleged is true without admitting then the occurrence took place at the house of the informant and thus was not in public view. It is also submitted that injury report was called for and from perusal of the injury report, it would manifest that the injury suffered by the injured has been opined to be simple in nature.

5. The learned Special P.P. vehemently opposes the appeal and submits that what is not disputed rather stand admitted as per allegation as alleged in the FIR is that appellant assaulted the informant repeatedly with bamboo stick causing injury on head and her ear membrane was damaged. The learned Special P.P. next submits that from perusal of the injury report, it would manifest that the same records ear mild conductive hearing loss. It is next submitted that even if the injury has been opined to be simple but then the assault as per injury report led to hearing loss, as such, one can well imagine the plight of the informant. The learned Special P.P. further submits that appellant did not assault the informant alone rather Chandradeep earlier had caught her hair and dashed her on the ground unveiling her and thereafter the appellant assaulted her.



6. Considering the submissions made by the learned
Special P.P., this Court is not inclined to allow the appeal.
Accordingly, the instant appeal stands dismissed.

(Satyavrat Verma, J)

Sanjay/-

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

