

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1518 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- SAHEBPUR KAMAL District- Begusarai

1. Chalitra Mahto @ Ranjeet Singh Son of Late Gudar Mahto resident of Village- Chauk, P.S.- Sahebpur Kamal, Dist.- Begusarai
2. Kundan Kumar Son of Chalitra Mahto @ Ranjeet Singh resident of Village- Chauk, P.S.- Sahebpur Kamal, Dist.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Nitish Kumar Son of Late Chhotelal Sada Resident of Village- Chauki, P.S.- Sahebpur Kamal, Dist.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Braj Bhusan Poddar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-07-2025 Despite filing *Vakalatnama*, non appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 05.03.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Sahebpur Kamal P.S. Case No. 08 of 2024, registered under Sections 341, 323, 308, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of



appellants has been rejected.

4. It is alleged that these appellants along with other co-accused assaulted informant by means of *lathi* and iron rod and abused him by caste name.

5. Learned counsel for the appellants submits that both parties are close-door neighbours and due to dispute over pathway, a simple quarrel took place between them and taking advantage of the situation, this false and concocted case has been lodged against appellants. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellant no. 1 claims clean antecedent and appellant no. 2 has got one criminal antecedent in which he is on bail.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the nature of accusation, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai in



connection with Sahebpur Kamal P.S. Case No. 08 of 2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 05.03.2024 is set aside with respect to
these appellants only.

(Prabhat Kumar Singh, J)

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