

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1882 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- DALSINGHSARAI District- Samastipur

1. Mahesh Mahto Son of Late Lochan Mahto Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur
2. Sunil Kumar @ Sunil Mahto Son of Mahesh Mahto Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur
3. Ajit Kumar @ Ajit Mahto Son of Mahesh Mahto Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur
4. Sudhir Mahto Son of Mahesh Mahto Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur
5. Ram Kishor Mahto @ Ram Kishore Mahto Son of Ram Sakal Mahto Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur
6. Pankaj Kumar @ Pankaj Mahto Son of Indra Dev Prasad Verma Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur
7. Ashok Mahto Son of Late Dwarika Mahto Resident of Village- Pagra, Ward No. 6, P.S.- Dalsinghsarai, District- Samastipur

.. ... Appellant/s

Versus

1. The State of Bihar
2. Manti Devi Wife of Surendra Paswan Resident of Village- Pagra, Ward NO. 6, P.S.- Dalsinghsarai, Dist.- Samastipur

.. ... Respondent/s

Appearance :

For the Appellant/s : Mr. Bhavesh Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-02-2025 Despite filing *Valakalatnama*, nobody appears on behalf of respondent no.2.

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

3. This appeal has been filed against the order dated 27.03.2024 passed by learned Special Judge SC/ST (PoA) Act, Samastipur in A.B.P. No. 917 of 2024 in connection with



Dalsinghsarai P.S. Case No. 81 of 2024 arising out of Complaint Case No. 02 of 2024, registered under Section 147, 148, 149, 447, 341, 323, 504, 506, 354(B), 427 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 21.12.2023 at about 7.00 AM, all the accused persons including these appellants arrived and damaged the house of the informant. On protest, co-accused Mahesh Mahto assaulted informant with fists and slaps. When the family members of informant went to save informant, the accused persons assaulted and abused them by caste name.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. It is further submitted that residential house of both the parties are adjacent to each other and informant is asserting right title and possession over RSP 286 which belongs to appellants and only with a view to put pressure upon the appellants to give up their claim over the land, this false and concocted case has been lodged against the appellants. The allegations levelled against the appellants are general and omnibus in nature. It is not the case of complainant that the alleged incident occurred within



public view as such, no offence under SC/ST Act is made out.
Appellants claim clean antecedent.

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

7. Considering the aforesaid facts, 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
learned Special Judge SC/ST (PoA) Act in connection with
Dalsinghsarai P.S. Case No. 81 of 2024 arising out of Complaint
Case No. 02 of 2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 27.03.2024 is set aside with respect to
these appellants only.

(Prabhat Kumar Singh, J)

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