

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1585 of 2025**

Arising Out of PS. Case No.-570 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Akash Mahto @ Baula S/o- Upendra Mahto Resident of Village - Gaur Rauja,
P.S. - G.B. Nagar, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Dudhnath Ram S/o- Late Suhawan Ram Village- Gaur Rauja Ps- G.B Nagar
Dist- Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 07.03.2025 passed by learned 1st-Additional Sessions Judge-cum-Special Judge, Siwan whereby the prayer for anticipatory bail of the appellant in connection with G.B. Nagar P.S. Case No. 570 of 2024 under Sections 126(2), 115(2), 118, 109, 74, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act, Sections 3(i)(r), 3(i)(s) and 3(2)(va) of SC/ST Act, was rejected.

3. Prosecution case, in short, is that while the informant and his daughter were harvesting paddy crops, in the meantime, co-accused Ankit Mahto and Akash Mahto came on a



motorcycle, disrobed his daughter and on protest by the informant, they abused and assaulted him by the butt of pistol due to which he sustained injury on head. Thereafter, the appellant along with other co-accused persons armed with various weapons assaulted the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submits that no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. Due to land dispute, the instant case has been lodged against the appellant. It is next submitted that specific allegation is against co-accused Ankit Mahto. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. Learned counsel for the petitioner, therefore, contends that *prima-facie*, no case is made out against the petitioner. The appellant has no intention to disgrace the image of the informant in public view. The appellant has no thirteen criminal antecedent. Similar co-accused has been granted anticipatory bail by this Court vide order dated 07.08.2025 passed in Cr. Appeal (S.J.) No. 310 of 2025.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 07.03.2025 passed by learned 1st-Additional Sessions Judge-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellant, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.B. Nagar P.S. Case No. 570 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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