

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1700 of 2025

Arising Out of PS. Case No.-362 Year-2024 Thana- PANAPUR District- Saran

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1. Mintu Mahto @ Mintu Kumar S/o- Muktinath Mahto Village- Semari Belaur Police Station- Panapur, Dist- Saran
 2. Vandana Kumari D/o- Muktinath Mahto Village- Semari Belaur Police Station- Panapur, Dist- Saran
 3. Guddi Kumari D/o- Muktinath Mahto Village- Semari Belaur Police Station- Panapur, Dist- Saran
 4. Muktinath Mahto S/o- Late Babu Lal Mahto Village- Semari Belaur Police Station- Panapur, Dist- Saran
 5. Meena Devi W/o- Muktinath Mahto Village- Semari Belaur Police Station- Panapur, Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Kumar S/o- Motilal Ram Village- Semari Belaur Ps- Panapur Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shrinath Manjhi, Advocate
For the State	:	Md. Aslam Ansari, APP
For Resp. No.2	:	Mr. Arvind Kr. Sharma, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellants, learned A.P.P.
for the State and learned counsel for the respondent no.2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 27.03.2025 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Panapur P.S. Case No.362 of 2024, registered under Sections 126(2), 115 118(1), 74, 352, 351(2) and 3(5) of the B.N.S and Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution is that while the informant's sister-in-law had gone to ease herself, accused Mintu Mahto (appellant no.1) tried to outrage her modesty and upon



objection he assaulted her and when the family of the informant questioned about the said incident, all the accused also indulged in assault and hurling caste based abuses.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R itself that occurrence has taken place at the house of the informant and hence, there would be no question of any public view and as such the provisions under Section SC/ST of the Act would not be attracted. There is case and counter case filed on behalf of appellant no.5 against the informant and others. It is further submitted that there is general and omnibus allegation against them and the implication of the appellants is on account of land dispute between the parties. Learned counsel further submits that injuries suffered by the informant's side are said to be simple in nature, as has been indicated in paragraph nos. 16 to 20 of the case diary.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R as also on the ground that appellant nos. 1 and 4 have criminal antecedents.

6. In view of the fact that hurling of caste based abuses are said to have taken place inside the house, hence, no offence under the provisions of Scheduled Castes and Scheduled Tribes



Act prima facie seems to be attracted.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there is case and counter case between the parties coupled with the fact that there also exists a land dispute leading to the present case and injuries are also simple in nature, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Panapur P.S. Case No.362 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to the further condition that they shall co-operate in the investigation and in case of their non-cooperation, the prosecution would be at liberty to move for cancellation of bail.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Soni Shrivastava, J)

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