

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2439 of 2024**

Arising Out of PS. Case No.-39 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

RAJU KUMAR @ RAJU MAHATO SON OF SOMNATH MAHATO
Resident of Village - Khorampur Khurd, P.S. -Mohammadpur, District -
Gopalganj

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. JAGDISH RAM SON OF LATE DHUPAN RAM Resident of Village -
Khorampur Khurd, P.S. -Mohammadpur, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 22-07-2025 Heard Mr. Ajay Kumar Pandey, learned counsel for

the appellant as well as Mr. Sadanand Paswan, learned Spl.P.P.

for the State.

2. Despite valid service of notice upon respondent
No.2, no one appears on behalf of respondent No.2

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
14.03.2024 passed by the learned Court of Additional Sessions
Judge XI cum Exclusive Special Judge, Under SC/ST Act,
Gopalganj, in connection with Mohammadpur P.S. Case No. 39
of 2024, F.I.R. dated 14.02.2024 registered under Sections 341,
323, 379, 324, 307, 120B of the Indian Penal Code and Sections
3(1) (i) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled
Tribes Act.



4. According to the prosecution case, the informant reported that on 14.02.2024 at around 3:30 A.M., his wife was attacked by Rajdeo Mahato while she had gone out for a nature call. During a scuffle over snatching her gold chain, Rajdeo stabbed her on the head and fled with the chain. She sustained serious injuries and was taken to Gopalganj Sadar Hospital, then referred to Gorakhpur due to her critical condition. It was also alleged that Raju Mahato conspired in the crime and helped Rajdeo escape.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. From bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellant. There is specific allegation of assault attributed against co-accused person, namely, Rajdeo Mahato, who happens to be the brother of the appellant and as per allegation against the appellant is concerned, the informant has suggested that the appellant was also involved in the present occurrence but from bare perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act attributed against the present appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that it appears from the F.I.R. that the name of the present



appellant has transpired in the present occurrence and he was involved in the present crime in question, along with his brother.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, the appellant has clean antecedent, there is no specific allegation of any assault or over act attributed against the appellant rather there is specific allegation of assault against co-accused person, namely, Rajdeo Mahato, who happens to be the brother of the appellant and there is no specific allegation of abuse by caste name, hence, no case is made out under the SC/ST Act against the appellant, let the appellant, above named, in the event of his arrest or 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 furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge XI cum Exclusive Special Judge, Under SC/ST Act, Gopalganj, in connection with Mohammadpur P.S. Case No. 39 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following



conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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