

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2894 of 2024**

Arising Out of PS. Case No.-1172 Year-2023 Thana- SONEPUR District- Saran

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1. Mahabir Mahto @ Mahabir Kumar son of Triloki Nath Prasad @ Triloki Prasad Mahto Village- Saidpur Naudiha Po Ps- Sonepur Dist- Saran
  2. Baby Kumari @ Durgajee D/o- Triloki Nath Prasad @ Triloki Prasad Mahto Village- Saidpur Naudiha Po Ps- Sonepur Dist- Saran
  3. Bhagmat Devi @ Bhagwati Kumari Devi D/o- Triloki Nath Prasad @ Triloki Prasad Mahto Village- Saidpur Naudiha Po Ps- Sonepur Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakuntala Devi wife of Doman Baitha Village- Saidpur Naudiha Po Ps- Sonepur Dist- Saran

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Rakesh Kumar, Advocate                |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. Public Prosecutor |
| For the R.No. 2      | : | Mr. B.N. Tiwary, Advocate                 |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      13-02-2025                      Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 07.06.2024 passed by learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 1981 of 2024 arising out of Sonepur P.S. Case No. 1172 of 2023, registered under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(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. As per prosecution case, on 11.12.2023 at about 7 AM, all the F.I.R. named accused persons including these appellants were installing bamboo pole on the land of the informant and upon protest, they abused informant by caste name and assaulted her by means of *lathi*, *danda*, fists and slaps. It is further alleged that appellant No. 3 snatched gold juitiya worth Rs. 10,000/- from the neck of informant.

5. Learned counsel for the appellants submits that due to admitted land dispute between the parties, scuffle took place and taking advantage of the situation this false and concocted case has been lodged. Allegation of abuse and assault is general and omnibus. Injury sustained by the informant is simple in nature. 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.

6. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant 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 Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Sonepur P.S. Case No. 1172 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 07.06.2024 is set aside with respect to these appellants only.

**(Prabhat Kumar Singh, J)**

Navya/-

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