

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3021 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- RIVILGANJ District- Saran

Chandan Mahato @ Chandan Kumar Mahato Son of Umesh Mahato R/O
Vill.- Jalalpur, Near Maiya Asthan, P.s.- Rivilganj, Dist.- Saran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Santosh Chaudhary Son of Rajaram Chaudhary R/O Vill.- Jalalpur, P.s.- Rivilganj, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hafiz Shahbaz Arif, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-05-2025 Despite filing *Vakalatnama*, none appears on behalf of
the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 13.06.2024 passed by learned Special Judge (SC &
ST), Saran at Chapra in ABP No. 1977 of 2024 in connection
with Rivilganj P.S. Case No. 121 of 2024, instituted under
Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code
and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.



4. As per F.I.R., this appellant along with co-accused Pankaj Mahto is alleged to have abused informant by caste name and upon protest, this appellant caught him and co-accused Pankaj Mahto assaulted him by means of iron rod.

5. Learned counsel for the appellant submits that due to petty dispute, an altercation took place between the parties in which both sides sustained injuries. Specific accusation of assault is against co-accused Pankaj Mahto and appellant is only alleged to have caught hold of the informant. Doctor has found simple injury. Case and counter case. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

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

7. Considering the nature of accusation, case and counter case and clean antecedent, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC & ST), Saran at Chapra in connection with Rivilganj P.S. Case No. 121



of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 13.06.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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