

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2511 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- MAKER District- Saran

-
1. Lakhi Devi Wife of Rajbali Mahato Village- Rampur Darp, Kajichak, Ps-Maker, Dist- Saran at Chapra
 2. Vivek Mahato @ Vivek Kumar son of Rajbali Mahato Village- Rampur Darp, Kajichak, Ps- Maker, Dist- Saran at Chapra
 3. Subash Kumar @ Subash Kumar Mahato Son of Arjun Mahato village-Bishunpura, Ps- Chhapra Muffasil, Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Manjhi son of Parma Manjhi Village- Kajichak, Ps- Maker, Dist-Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

Mr. Jitendra Kumar, Adv.for Respondent-2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-08-2025 Heard learned counsel for the appellants, learned Special P.P. for of the State and learned counsel appearing on behalf of respondent no. 2.

2. This appeal has been filed against order dated 10.06.2025 passed by learned Exclusive Special Judge, SC/ST Act, Chapra, Saran in a case registered under Sections 126(2), 115(2), 303(2), 351(2), 118(1), 352, 3(5) of the B.N.S., 2023 and Section 3(i)(r)(s) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 19.04.2025 at about 2 PM, while



measurement of road was going on in front of house of Pappu Sharma and informant Surendra Manjhi was holding the rope, these appellants alongwith co-accused Rajbali Mahto came there and started abusing informant by taking caste name and on protest by informant, they assaulted informant with *lathi*, *danda*, iron rod and sword, due to which, informant sustained injury.

4. Learned counsel for the appellants submits that as per F.I.R. itself, specific accusation of commission of assault is against co-accused Rajbali Mahto. So far as these appellants are concerned, there is general and omnibus allegation and no specific allegation of overt act has been alleged against them. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor and learned counsel for the respondent no. 2 vehemently opposed the prayer for bail of appellants.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 10.06.2025, in respect of these appellants, is set aside and this criminal appeal is allowed.



7. Let the appellants, as named above, in the event of arrest or 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 learned Exclusive Special Judge, SC/ST Act, Chapra, Saran in connection with Maker P.S. Case No. 86 of 2025.

(Prabhat Kumar Singh, J)

anay

U		T	
---	--	---	--

