

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2799 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- SC/ST District- Sitamarhi

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1. Lal Babu Mahto Son of Yogendra Mahto village - Runnisaidpur, ward no. -7, P.S. -Runnisaidpur, Dist. - Sitamarhi
 2. Sheela Devi Wife of Lal Babu Mahto village - Runnisaidpur, ward no. -7, P.S. -Runnisaidpur, Dist. - Sitamarhi
 3. Raj Kumar Mahto @ Raj Kumar son of Lal Babu Mahto village - Runnisaidpur, ward no. -7, P.S. -Runnisaidpur, Dist. - Sitamarhi
 4. Raju Mahto @ Raju Kumar son of Lal Babu Mahto village - Runnisaidpur, ward no. -7, P.S. -Runnisaidpur, Dist. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Satyanarayan Ram son of Late Rupa Ram village - Runnisaidpur, ward no. -7, (Jhuggi), P.S. -Runnisaidpur, Dist. - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2025 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Sadanand Paswan along with learned counsel appearing on behalf of the respondent no.2.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.06.2025 in A.B.P. No. 37/2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST



(POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No.24/2025, registered under Sections 126, 74, 76, 352, 109, 115(2), 303(2), 351(2), 3(5) of the B.N.S.S. as well as Sections 3(1)(r)(s)w (i)(ii), 3(2) (va) of the SC/ST (POA) Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.2 is a women and the informant alleges that on 06.05.2025 at about 9.00 A.M., all the accused persons came to his house and began assaulting his wife and daughter and also asked about the informant, further Sheela Devi and Bobu Devi assaulted his wife with leg and fists and untied her saree and also snatched a silver chain from the neck of his wife, further on information when the informant came home, when accused Lal Babu Mahto, Raj Kumar Mahto and Raju Mahto assaulted him and abused him by calling his caste name and also threatened that he would face dire consequences if he does not vacate the land, further Lal Babu Mahto assaulted him by bamboo causing injury on head.

4. Learned counsel appearing on behalf of the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place in which



both side assaulted each other. It is also submitted that even presuming what has been alleged is true without admitting then the entire occurrence is alleged to have taken place in the house of the informant and thus was not in public view, thus SC/ST Act does not get attracted. It is also submitted that allegation of assault and snatching chain from the neck of his wife against the female members have been alleged only to give seriousness to the case. It is also submitted that the allegation of assault against the accused persons is general and omnibus in nature though against Lal Babu Mahto it is alleged that he assaulted the informant by bamboo causing injury on head.

5. Learned Special Public Prosecutor Mr. Sadanand Paswan and the learned counsel appearing on behalf of the respondent no.2 opposes the prayer for anticipatory bail of the appellants but then are not in a position to rebut the submission made by the learned counsel appearing on behalf of the appellants that the occurrence took place in the house of the informant and thus was not in public view.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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