

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2880 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- BAGENGOLA District- Buxar

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1. Laxmina Devi W/O Om Prakash Mahto Resident of Village- Akodhi, P.S- Bagengola, Distt.- Buxar.
 2. Om Prakash Mahto @ Jata Mahato S/O Hira Lal Mahto Resident of Village- Akodhi, P.S- Bagengola, Distt.- Buxar.
 3. Ramesh Mahto @ Chilhar Mahto S/O Hiralal Mahato Resident of Village- Akodhi, P.S- Bagengola, Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramjee Paswan S/O Kishun Paswan Resident of Village- Akodhi, P.S- Bagengola, Distt.- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Arvind Kumar Pradhan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-09-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 17.06.2025 passed by the learned District and Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Buxar in



connection with Bagen Gola P.S. Case No. 26/2025 dated 17.03.2025 registered for the offence/s punishable u/s 103(1), 109 read with Section 3(5) and 352 of the B.N.S and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, a scuffle took place between the children which was pacified but later on the appellant no. 2 and 3 along with other co-accused persons came at the door of the informant and started abusing by calling caste name and went from there. Thereafter, the appellants and the co-accused persons came holding weapons and assaulted Kishun Paswan and Raj Kumar Paswan with iron rod causing head injury. The appellant no. 1 and Lakhmuna Devi were also involved in assaulting Kishun Paswan and Raj Kumar Paswan with stones and bricks. When Sarida Devi and Vivek Kumar came to rescue they sustained grievous injury. Thereafter, Kishun Paswan and Raj Kumar Paswan were taken to hospital where in the course of treatment Kishun Paswan succumbed to the injury.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has



further submitted that no particular caste name has been called by the appellants hence no case under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is a case and counter case between the parties. Both the parties have sustained injury. The appellant no. 1 is a lady. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellant no.1 is in custody since 14.05.2025 and the appellant no. 2 and 3 are in custody since 18.03.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 17.06.2025 passed by the learned District and Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Buxar in connection with Bagen Gola P.S. Case No. 26/2025 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned District and



Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act,
Buxar in connection with Bagen Gola P.S. Case No. 26/2025,
with the condition to the appellant no. 2 and 3:-

(i). The appellant no. 2 and 3 are directed to remain
physically present before the learned Court below on each and
every date, failing which on two consecutive dates without
reasonable cause, the bail bonds of the appellant no. 2 and 3 is
liable to be cancelled.

(Chandra Prakash Singh, J)

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