

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4307 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- PAHARPUR District- East Champaran

1. Ravindra Mahto S/o- Kapil Mahto Village- Dudhiyawan PS-Paharpur Dist- East Champaran
2. Birendra Mahto Son of Kapil Mahto Village- Dudhiyawan PS-Paharpur Dist- East Champaran
3. Umesh Mahto Son of Ravindra Mahto Village- Dudhiyawan PS-Paharpur Dist- East Champaran
4. Kapil Mahto Son of Late Devi Mahto @ Late Devi Mahto Village- Dudhiyawan PS-Paharpur Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sona Devi Wife of Harishehandra paswan Dudhiyawan Ps- Paharpur Dist- East champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anand Kishore Choudhary, Advocate
For the Respondent/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
		Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants; learned counsel for the informant and learned Spl. PP for the State.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 03.08.2024 passed by learned Special Judge SC/ST Act, East Champaran, Motihari, in A.B.P. No. 2814 of 2024 arising out of Paharpur P.S. Case No. 269 of 2024 registered under Sections 341, 323, 324, 325,



354, 379, 504, 34 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act.

3. As per the allegation made in the F.I.R., allegedly the son of the informant was singing vulgar song in front of ladies member of the family of the appellant, which led to fight between the son of the informant and the appellant side. Informant belongs to Scheduled Caste and, as such, FIR under Sections 3(i)(r) and 3(i)(s) has been lodged for abusing and taking caste name.

4. Learned counsel appearing on behalf of the appellants submitted that appellants had asked the son of the informant to not sing vulgar song in front of the ladies member of their family, which led to scuffle leading to lodging of the FIR on frivolous ground. Appellants have clean antecedent. Learned counsel further submitted that the alleged incidence has not taken place in public view and, as such, no case under Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act is made out against the appellants.

5. *Per contra*, learned counsel appearing on behalf of the informant submitted that the case under Sections 341, 323, 324, 325, 354, 379, 504, 34 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the SC/ST (POA) Act is made out



against the appellants as they had used caste name of the son of the informant and had also assaulted and abused him causing injury.

6. Learned Spl. PP for the State has opposed the prayer for grant of bail to the appellant.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR and the impugned order, I find that allegation against the appellants is general and omnibus and so far as, the allegation of abusing and taking caste name of the son of the informant is concerned, the same is not in public view. Both the parties are neighbour and the incidence took place allegedly because the son of the informant was singing vulgar song in front of the ladies member of the family of the appellants. I am of the opinion that appellants have prima facie made out a case to be released on pre-arrest bail.

8. The appellants, above named, are directed to be released on bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection



with Paharpur P.S. Case No. 269 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

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

(Purnendu Singh, J)

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