

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4430 of 2024

Arising Out of PS. Case No.-454 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Chhotelal Mahto @ Chhotelal Kumar Mahto @ Chhotelal Kumar Son of Mokhtar Mahto R/O-Village -Umdha, P.S. -Chapra Muffasil,,Dist.- Saran
2. Satyendra Mahto Son of Mokhtar Mahto R/O-Village -Umdha, P.S. -Chapra Muffasil,,Dist.- Saran
3. Manish Mahto @ Manish Kumar Mahto Son of Dhirendra Mahto R/O-Village -Umdha, P.S. -Chapra Muffasil,,Dist.- Saran
4. Sanjay Mahto @ Sanjay Kumar Son of Upendra Mahto R/O-Village -Umdha, P.S. -Chapra Muffasil,,Dist.- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar Son of Rajendra Ram R/O-Village -Umdha, P.S. -Chapra Muffasil,,Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shekhar Harshvardhan, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Abhishek Kumar Vivek, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State and learned counsel for 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 in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 31.08.2024 passed by learned Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 454 of 2024 registered under Sections 126(6), 115(2), 352, 3(5) of the Bhartiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(i), 3(1)(s) of the SC/ST Act.



3. The case of the prosecution is that the brother of the informant was intercepted on way to the house by the appellants and was also being assaulted, whereafter the informant and his mother intervened whereupon the appellant, Satyendra Mahto hurled caste-based abuse.

4. Learned counsel for the appellants submits at the outset that the allegations made in the first information report are not correct and as a matter of fact there is a counter version to the same which has been brought on record by way of complaint case in Annexure-2 wherein it has been stated that it was actually the informant's side who had attacked on the house of the appellants. It has further been submitted that the present first information report has been lodged after delay of two days for which no plausible explanation has been tendered. It has been further submitted that apart from the provisions of SC/ST Act all other sections are bailable and the provisions of SC/ST Act would also not apply as there is no mention of the incident having taken place in public view.

5. Learned Spl.PP for the State and learned counsel for the respondent no.2 have opposed the grant of anticipatory bail on the basis of the allegations made in the first information report.

6. Looking at the allegations made in the first



information report and also considering the submission of a dispute between neighbours, it does not appear that the said occurrence has taken place in public view as no other witness to the incident has been mentioned, as such provisions of the SC/ST Act are not clearly made out against the appellant.

7. Taking into consideration the fact and circumstances and also considering that there is delay in lodging the FIR coupled with the fact of case and counter case and both the parties are neighbours, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 454 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

anand/-

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