

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4867 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- SC/ST District- Sitamarhi

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1. Anil Mahto S/O Chandeshwar Mahto
 2. Sunil Mahto S/O Chandeshwar Mahto
Both are R/o Village- Matiyar, Ward No. 2 @ Matiar Khurd, Ps. Sahiyara,
Dist. Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaso Devi W/O Punit Ram R/o Village- Matiyar, Ward No. 1 Ps. Sahiyara,
Dist. Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-04-2025 Heard Mr.Santosh Kumar, learned counsel for the

appellants, learned counsel for respondent No.2 and

Mr.Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, against refusal of the prayer for anticipatory bail

by order dated 19.09.2023 in A.B.P. No.64/2023/249/2023

passed by the learned 1st Additional Sessions Judge-cum-

Special Judge SC/ST, Sitamarhi in connection with Sitamarhi

SC/ST P.S.Case No. 23 of 2023, FIR dated 15.05.2023

registered under Sections 341,323,324,354,504/34 of the Indian



Penal Code as well as under Sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to prosecution case, the informant daughter's modesty was outraged by the appellants and she has been abused in the name of her caste also. Anil Mahto given knife blow on her husband's head.

4. Learned counsel for the appellant submits that the appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that no case is made out under the SC/ST Act against the appellants and apart from that, the specific allegation against the appellants that they have assaulted to the husband of the informant as well as son of the informant. Although they have received the injury but the injury report of aforesaid two persons suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellants and submits that there is direct and specific allegation against the appellants that they have assaulted to the husband and son of the informant.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions



of Schedule Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts, appellants have clean antecedent, it transpires from the FIR that no case is made out under the SC/ST Act against the appellants and apart from that, the injury inflicted upon the injured person is simple in nature, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, Sitamarhi in connection Sitamarhi SC/ST P.S.Case No. 23 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the appellants tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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