

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4912 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

1. Shailesh Mahto @ Saleshe Kumar Son of Ashok Kumar Resident of Village and P.O. - Amarpur, P.S. - Mednichowki, District - Lakhisarai
2. Umesh Mahto @ Umesh Kumar Son of Ashok Kumar Resident of Village and P.O. - Amarpur, P.S. - Mednichowki, District - Lakhisarai
3. Mahesh Mahto @ Mahesh Kumar Raj Son of Ashok Kumar Resident of Village and P.O. - Amarpur, P.S. - Mednichowki, District - Lakhisarai
4. Shobha Devi @ Rani Kumari Wife of Shailesh Mahto @ Saleshe Kukmar Resident of Village and P.O. - Amarpur, P.S. - Mednichowki, District - Lakhisarai
5. Pinki Devi @ Pinki Kumari Wife of Mahesh Mahto @ Mahesh Kumar Raj Resident of Village and P.O. - Amarpur, P.S. - Mednichowki, District - Lakhisarai
6. Baby Devi Wife of Anil Kumar Resident of Village and P.O. - Amarpur, P.S. - Mednichowki, District - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lalan Kumar Manjhi @ Lalan Kumar Son of Balmiki Manjhi Resident of Village - Amari, P.S. - Dharhara, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar No.6, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants and learned counsel for respondent no.2.

2. This criminal Appeal has been preferred against the order dated 12.9.2024 passed by the learned Additional Sessions Judge-1st cum Special Judge SC/ST, Lakhisarai in A.B.P. No. 1004/2024 arising out of Mednichouki P.S. Case No.



178/2024 instituted for offence under Section 191 (2), 190, 126 (2), 115 (2), 303 (2), 352, 351 (2) of Bhartiya Nyay Sanhita and Section 3 (1) (s), 3 (1) (r) of B.C. & B.T. Act whereby the prayer for anticipatory bail of the appellants have been rejected.

3. As per the prosecution story, the allegation is that when the informant went as labour to Gautam Kumar's place and started working, the accused/appellants threatened them of dire consequences, if they work there. Further, they were also abused by taking caste name and working items were also snatched. This led to the FIR.

4. Learned counsel for the appellants submit that a bare perusal of the FIR would show that each and every family members including three ladies have been implicated in the case, there is nothing on record to show that any caste name has been taken in the presence of the public. The present case has been lodged at the behest of Gautam Kumar with whom they have land dispute.

5. Learned counsel representing the respondent no.2 on the other hand opposes the prayer submitting that they just wanted to work at the place of Gautam Kumar but prevented and was also abused with caste name.

6. Considering the submissions of the parties, prima



facie the Act does not attract, all the appellants have no criminal antecedent, three of them are ladies, FIR is there, they shall be facing the music, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Accordingly, the order dated 12.9.2024 passed by the Additional Sessions Judge-1st cum Special Judge SC/ST, Lakhisarai in connection with A.B.P. No. 1004/2024 arising out of Mednichouki P.S. Case No. 178/2024 is set aside.

8. The criminal appeal is allowed.

9. Let the appellants be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with A.B.P. No. 1004/2024 arising out of Mednichouki P.S. Case No. 178/2024 to the satisfaction of Additional Sessions Judge-1st cum Special Judge SC/ST, Lakhisarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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