

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5109 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- TARAIIYA District- Saran

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1. Ravindra Mahto @ Hiralal Prasad, Son of Jamuna Mahto @ Yamuna Mahto, R/o Village -Dumari Chhapiya PS -Taraiya District -Saran
 2. Jamuna Mahto @ Yamuna Mahto son of Late Bhukhal Mahto, R/o Village -Dumari Chhapiya PS -Taraiya District -Saran
 3. Ankit Kumar son of Suryakant Prasad, R/o Village -Dumari Chhapiya PS -Taraiya District -Saran
 4. Kishan Mahto @ Krishna Mahto Son of Late Rakhtu Mahto, R/o Village -Dumari Chhapiya PS -Taraiya District -Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Hiralal Baitha, son of Lakshman Baitha, R/o Village -Dumari Chhapiya, PS -Taraiya, District -Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nalin Kumar, Adv.
For the State	:	Ms. Usha Kumari 1, SPP
For the Resp. No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-11-2025 Heard Mr. Nalin Kumar, learned counsel for the appellants and Ms. Usha Kumari No. 1, learned SPP for the State.

2. The instant appeal has been preferred by the appellants under section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short ‘SC/ST Act’), against the order dated 07.09.2024 passed by the court of learned Exclusive Special Judge, SC/ST, Chhapra, Saran, in connection with ABP No. 2575/2024 arising out of



Taraiya P.S. Case No. 235/2024, by which the appellants' prayer for anticipatory bail has been rejected.

3. The main submissions advanced by learned counsel for the appellants are that the alleged offence under section 307 of IPC is not made out as there is no injury report of the informant and there is case and counter case in between both the parties and the FIR has been registered by the informant with mala fide intention on account of previous land dispute which had been running in between both the parties and so far as the offence of section 3(i)(r)(s) of the SC/ST Act, under which the FIR has been registered, is concerned, the same does not appear to be made out in this matter as it is not the case of the prosecution to show that the alleged abusing took place in public view. It is further submitted that the place of occurrence is said to be a field, which is a lonely place, and the main allegation of inflicting knife blow on the informant is against the co-accused Suryakant Prasad, who is not an appellant before this Court.

4. On the other hand, learned Special PP appearing for the State has vehemently opposed the appeal and submits that there is serious allegation against the appellants and admittedly there is land dispute between both the parties.



5. No one is present on behalf of the respondent No. 2.

6. Heard both the sides and perused the FIR and the trial court's order. It is an admitted position that at the time of commission of the alleged occurrence, there was a litigation running in between both the parties and as per the allegation levelled in the FIR, the occurrence of assault was committed with giving threat to the informant on account of not withdrawing a previous case and this fact goes against the appellants and clearly attracts the penal provisions of SC/ST Act and therefore, the prohibition under section 18 of the SC/ST Act is clearly attracted in this matter and the appellants' prayer for anticipatory bail is not maintainable. Accordingly, this Court finds no merit in this appeal and there is no need to interfere with the order of the trial court rejecting the appellants' prayer for anticipatory bail.

7. In the result, the instant appeal stands rejected.

(Shailendra Singh, J)

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