

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5450 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- BANIAPUR District- Saran

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1. LADDU MAHTO S/O LATE DESARI MAHATO R/O TAKTH BITHI, P.S. BANIAPUR DISTRICT- SARAN AT CHAPRA.
 2. GUDDU KUMAR S/O LATE CHHATHU MAHATO R/O TAKTH BITHI, P.S. BANIAPUR DISTRICT- SARAN AT CHAPRA.
 3. NIRAJ KUMAR @ NIRAJ MAHTO S/O LADDU MAHATO R/O TAKTH BITHI, P.S. BANIAPUR DISTRICT- SARAN AT CHAPRA.
 4. TARKESHWAR MAHTO S/O LADDU MAHATO R/O TAKTH BITHI, P.S. BANIAPUR DISTRICT- SARAN AT CHAPRA.

... .. Appellant/s

Versus

1. The State of Bihar
2. YOGENDRA MANJHI S/O LATE SUKHIT MANJHI R/O MANPUR SAULI, P.S. ISHUAPUR, DISTRICT- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udai Shankar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-05-2025 Heard Mr. Udai Shankar Singh, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Learned Spl.P.P. for the State informed this Court that she has informed Respondent No.2 about the present case through Superintendent of Police, Saran, Chapra, despite that one one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated



24.08.2023 passed by the learned SC/ST Exclusive Special Judge, chapra, Saran in connection with Baniapur P.S. Case No. 46 of 2023, F.I.R. dated 08.02.2023 registered under Sections 341, 323, 325, 379, 504/ 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that when he was loading soil stock of Chimney which was to be sent to the Chimney by Tractor from J.C.B Machine, the appellants arrived and abused him by caste name and assaulted him by means of stick and iron rod.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. Although the appellants are named in the FIR and there is specific allegation against them that they have assaulted one Mukesh Singh but there is no injury report of the injured person available in the record or the case diary which suggest that Mukesh Singh has received injury and apart from that the background of the present case is that due to admitted land dispute the appellants have lodged FIR bearing Baniapur P.S. Case No. 45 of 2023 against Anil Singh, Mukesh Singh, Rakesh Singh and Mankeshwar Singh who are the owner of the



chimney in question and the informant in the present case is the clerk of the chimney in question and it appears that appellants have filed the Baniapur P.S Case No.45 of 2025 on 08.02.2023 and the present FIR instituted after the filing of Baniapur P.S Case No.45 of 2025 and it appears from FIR itself that there is no specific allegation of assault or abusing by caste name against these appellants rather the allegation levelled against all the accused persons including these appellants are general and omnibus. He further submits that the occurrence took place in the office of the chimney which is not a public place so no offence under SC/ST Act is made out.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that there is direct and specific allegation against the appellants that they assaulted to one Mukesh Singh and apart from that, appellant no.1 carries one criminal antecedent other than the present case, in which he is on bail and appellant nos. 2,3 & 4 have clean antecedent.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances,



appellant nos.2,3,4 have clean antecedent and there is no specific allegation against all the appellants and there is case and counter case between the parties, let the appellants, above named, in the event of their arrest to 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) with two surities of the like amount each to the satisfaction of learned Sc/ST Exclusive Special Judge, Chapra, Saran in connection with Baniapur P.S. Case No. 46 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 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 tampers 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.

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

(Rajesh Kumar Verma, J)

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