

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5335 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- KESARIA District- East Champaran

1. Karan Mahato @ Karan Kumar S/O Dinanath Mahato, R/O Village- Bankat Nizamant,P.S.- Kesaria, District- East Champaran, Motihari.
2. Chhotan Mahato @ Chhotan Kumar S/O Ram Swaroop Mahato R/O Village- Bankat Nizamant,P.S.- Kesaria, District- East Champaran, Motihari.
3. Laxuman Mahato @ Laxman Mahto S/O Rina Mahato R/O Village- Bankat Nizamant,P.S.- Kesaria, District- East Champaran, Motihari.
4. Manish Mahato @ Manish Kumar S/O Ramayan Mahato R/O Village- Bankat Nizamant,P.S.- Kesaria, District- East Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kalpatiya Devi S/O Raman Paswan R/O Village- Bankat Nizamant,P.S.- Kesaria, District- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate Mr. Sumit Kumar Gupta, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants and learned

Special P.P. for the State.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 17.10.2024 passed by the learned Special Judge, SC/ST Court, East Champaran, Motihari in A.B.P. No. 3919/2024 in connection with Kesaria P.S. Case No. 188/2024 registered under Sections 341, 323, 448, 354, 379, 427, 504, 506, 34 of



the Indian Penal Code and Sections 3(i)(r) of SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. As per FIR, appellants alongwith four unknown persons after criminal trespass to the house of the informant assaulted family members including her daughter-in-law and also abused them by their caste name. It is also alleged that during the occurrence the gold made locket was also snatched by appellants.

5. Learned counsel appearing for the appellants submitted that the present occurrence took place out of neighbourhood disputes and differences, where even as per FIR, except the offence under Sections 379 and 354 of the IPC as alleged registered bailable in nature. It is pointed out that the allegation of theft and outraging modesty appears to be raised to aggravate the allegation. It is also submitted that alleged atrocities not appears to be made in public view and also same cannot be said within the meaning of atrocities as defined under SC/ST (POA) Act, 1989. While concluding argument, it is submitted that appellants are of clean antecedents and moreover, the FIR in issue was lodged after about one month of the occurrence i.e. on 16.06.2024 for alleged occurrence dated 19.05.2024 without having any just explanation, which further makes the occurrence



and allegation doubtful on its face

6. Learned Special P.P. while opposing the prayer of bail as raised through present appeal submitted that the allegation of physical assault and criminal trespass is available against appellants, however, he could not disputed the factual submission as raised aforesaid *qua* nature of assault and also the delay in lodging the FIR.

7. Despite of service of notice, the informant failed to join present pending proceedings as informed by learned Spl. PP.

8. In view of aforesaid factual submissions and by taking note of fact as the FIR in issue appears to be lodged with a delay of one month without having just explanation with general and omnibus allegation of physical assault having no grievous injuries, accordingly, all above-named appellants in the event of their arrest or surrender before the learned trial Court, within a period of six weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Court, East Champaran, Motihari/concerned Court, where the case is pending in connection with A.B.P. No. 3919/2024 in connection with Kesaria P.S. Case No. 188/2024, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 17.10.2024 as passed through A.B.P. No. 3919/2024 is hereby set aside.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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