

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.236 of 2026

Arising Out of PS. Case No.-147 Year-2024 Thana- Banma Itahari District- Saharsa

Shikari Mahto Son Of Late Garib Mahto Resident Of Village - Harrahi, P.S.-
Banma Itahri, District - Saharsa.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sulo Sada Chandradeo Sada Resident of Village- Harahari, P.S.- Banma Itahri, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rashmi Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 08-05-2026 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal which has been filed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.09.2025 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST Act, Saharsa in connection with Banma Itahri P.S. Case No. 147 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 329(3), 191(2), 352, 351(2) (3) of BNS, Section 27 of the Arms Act and Sections 3(i)(r) (s) of SC/ST Act.



3. The case of the respondent is that the appellant along with others has planned to commit some offence and Raushan Yadav has put a stole around the neck of the respondent. Sunil and Kameshwar have assaulted him with a butt of the rifle.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case. Learned counsel has submitted that this appellant is though arrayed as accused persons but there is no any specific allegation of any overt act against him rather general and omnibus allegation has been attributed against him.

5. Learned Spl. P.P. for the State has vehemently opposed the appeal.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 23.09.2025 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in connection with Banma Itahri P.S. Case No. 147 of 2024 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banma Itarhi P.S. Case No. 147 of 2024 ,subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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