

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.409 of 2026

Arising Out of PS. Case No.-34 Year-2025 Thana- SC/ST District- Saran

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1. Rajendra Mahto S/o Ramashray Mahto R/o vill - Sisai, P.S.- Sahajitpur, Distt.- Saran at Chapra
 2. Subham Kumar S/o Banshi Mahto R/o vill - Sisai, P.S.- Sahajitpur, Distt.- Saran at Chapra
 3. Shiv Charan Mahto S/o Narayan Mahto R/o vill - Sisai, P.S.- Sahajitpur, Distt.- Saran at Chapra
 4. Yogendra Mahto S/o Late Mishri Mahto R/o vill - Sisai, P.S.- Sahajitpur, Distt.- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Neha Devi W/o Tuntun Ram R/o vill - Sisai, P.S.- Sahajitpur, Distt.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 09-07-2026 1. Heard learned counsel for the appellants and learned Special P.P. for the State, Mr. Binay Krishna.
2. No one appears on behalf of the informant.
3. This is an appeal under Section 14-A(2) of 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 23.12.2025 in A.B.P. No. 4694 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act,



Chapra, Saran in connection with SC/ST P.S. Case No. 34 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 324(2), 351(2), 352(2) and 3(5) of the BNS, 2023 as Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

4. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 23.09.2025 at 02:00 PM while she along with her husband were coming home when they were intercepted by Rajendra and Shiv Charan who snatched the key of the motorcycle and accused her husband of getting theft committed in their shop and asked him to get the stolen articles returned or consequences would follow, but they came home, further on 24.09.2025 at 09:30 PM, Rajendra, Yogendra, Shiv Charan and Shubham came to her house and Rajendra assaulted her husband by rod causing injury on forehead, while all accused assaulted her and Shubham acted inappropriately and the accused persons vandalized her house.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that it absolutely does not stand to reason that if the appellants had to assault or abuse the informant and her husband, in that event they could have done



the same on 23.09.2025 itself when it is alleged that accused persons intercepted her and her husband, as such, there was no occasion for the appellants again to come to the house of the informant the next day i.e. on 24.09.2025 and to commit the occurrence. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a dispute had arisen in between the side of the appellants and informant on the issue that informant's husband had aided in theft of articles from the shop of the appellants. It is also submitted that allegation against the appellants are general and omnibus in nature and the entire occurrence took place inside the house of the informant, as such, was not in public view, but then it is fairly submitted that appellant no. 1, Rajendra, is alleged to have assaulted her husband by rod causing injury on forehead, but then the order impugned does not record the nature of injury.

6. Learned Special P.P. for the State opposes the appeal.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 23.12.2025 in A.B.P. No. 4694 of 2025, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with SC/ST P.S. Case No. 34 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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