

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.430 of 2026**

Arising Out of PS. Case No.-270 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

Jaleshwar Mahato Son of Singari Mahato @ Shikari Mahto Resident of  
Village - Kauriya Tole lilahi, P.S. - Bhagwanpur Hat, Dist. - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram, ASI Bhagwanpur Hat, P.S. - Bhagwanpur Hat, Dist. - Siwan.  
Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate  
For the Respondent/s : Ms. Usha Kumari No. 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      18-04-2026                      1. Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. 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 06.01.2026 in A.B.P. No. 3377 of 2025 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P.S. Case No. 270 of 2023 registered under Sections 147, 148, 149, 341, 323, 324, 379, 337, 338, 307, 353, 427, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the



appellant submits that appellant has antecedent of one case but then the said case was instituted by the side of the informant. It is further submitted that one Durgawati Devi instituted Bhagwanpur Hat P.S. Case No. 268 of 2023 against several accused persons including Rohit. It is next submitted that Rohit was arrested by the police but Rohit died in the police custody, as such, the villagers were enraged. It is also submitted that Bhagwanpur Hat P.S. Case No. 269 of 2023 came to be instituted by the Station House Officer of the Police Station alleging that the police force was going to arrest other accused of Bhagwanpur Hat P.S. Case No. 268 of 2023 when the accused persons gathered and assaulted the police force. It is submitted that appellant is not an accused in Bhagwanpur Hat P.S. Case No. 268 of 2023. It is further submitted that for the same offence, the instant FIR also came to be instituted by the A.S.I. wherein similar allegation as alleged in Bhagwanpur Hat P.S. Case No. 268 of 2023 but then in the instant case appellant was made an accused. It is next submitted that Rahul Kumar along with two others had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 635 of 2025 and the same came to be allowed by an order dated 01.09.2025. It is also submitted that informant is the police officer and, thus, is



represented by the learned Special Public Prosecutor.

4. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that appellant is not an accused in Bhagwanpur Hat P.S. Case No. 268 of 2023.

5. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the appellant, above-named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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

**(Satyavrat Verma, J)**

Kundan/-

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