

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.869 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- RAMGARHWA District- East
Champaran

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1. Anirudh Mahato S/O Late Banshi Mahato @ Late Vanshi Mahato Resident of Village- Siswaniya, P.S.- Ramgarhawa, District- East Champaran.
 2. Chandan Mahato @ Chandan Kumar S/O Anirudh Mahato resident of village- siswaniya, p.s.- Ramgarhawa, District- East Champaran.
 3. Nandan Mahato @ Nandan Mahato S/O Anirudh Mahato resident of village- siswaniya, p.s.- Ramgarhawa, District- East Champaran.
 4. Sanjay Mahato @ Sanjay Kumar S/O Yadolal Mahato @ Jadolal Mahato resident of village- siswaniya, p.s.- Ramgarhawa, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amiraka Das S/O Ram Awatar Das Resident of Village- Siswaniya, P.S.- Ramgarhawa, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Mr. Harsha Shaswat, Adv
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 19-03-2026 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 18.01.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 45 of 2023 arising out of Ramgarhwa P.S. Case No. 392 of 2022 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and



Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. Prosecution case, in brief, is that on 9.11.2022 at about 5 PM, when informant was going to the water tank, these appellants along with some unknown persons surrounded him, assaulted and abused him by caste name. On the order of appellant no. 1, rest of the appellants assaulted him with fists and slaps and appellant no. 4 snatched Rs. 5,000/- from his pocket.

5. Learned counsel for the appellants submits that both parties are co-villagers and due to petty dispute, altercation took place in which both sides sustained injuries. Though there is allegation of assault by fists and slaps but there is no injury report on record to substantiate the allegation. Allegation of assault is general and omnibus. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellants.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a



period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 45 of 2023 arising out of Ramgarhwa P.S. Case No. 392 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 18.01.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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