

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1330 of 2026

Arising Out of PS. Case No.-61 Year-2025 Thana- SC/ST District- Saharsa

Sunil Mahto @ Apresh Mahto S/o Rajendra Mahto R/o vill - Sundarwan,
Kahara Ward no. 10, P.S.- Bangaon, Dist.- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Godho Devi @ Godo Devi @ Goda Devi W/o Ajodhi Sada R/o vill -
Sundarwan, Ward no. 9, P.S.- Mahishi, Dist.- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aditya Raj, Advocate
For the State : Ms. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-07-2026 Despite of valid service of notice upon Respondent
No.2, no one appears on behalf of Respondent No.2.

2. Learned counsel for the appellant is permitted to
make necessary corrections in paragraph no.1 of the memo of
appeal.

3. Heard Mr. Aditya Raj, learned counsel for the
appellant as well as Ms. Usha Kumari 1, learned Spl.P.P. for the
State.

4. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 19.03.2026
passed by the learned Court of Additional Sessions Judge-1st-
cum-Special Judge-SC/ST, Saharsa in connection with Saharsa



SC/ST P.S. Case No. 61 of 2025, F.I.R. dated 04.12.2025 registered under Sections 126(2), 127(2), 115(2), 109, 74, 303(1), 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita and Sections 3(i)(r)(s)(wi), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

5. According to the prosecution case, the informant alleged that on 02.12.2025 at about 12 noon, when his son went to the house of Anil Mahto to demand his wages, the appellant along with other accused persons abused him and denied giving him any money and tied him to a pillar and mercilessly beat him. When the informant went to rescue her son, she was also assaulted. The accused persons snatched her gold earrings worth of Rs.35,000/-.

6. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that although the appellant is named in the FIR but from bare perusal of FIR it appears that there is no specific allegation of assault or overt act against this appellant rather specific allegation of assault is against co-accused persons, namely, Himanshu, Manu, Avinash and Vishal. He next submits that it appears from the FIR that the alleged occurrence took place inside the house of co-accused,



which is not a public place, so no case is made out under SC/ST Act. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 09.12.2025.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

8. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-1st-cum-Special Judge-SC/ST, Saharsa in connection with Saharsa SC/ST P.S. Case No. 61 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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