

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1770 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- EKMA District- Saran

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1. Mantu Ray S/o- Teras Ray Village- Sendaaur Ps- Ekma Dist- Saran at Chapra
 2. Rukmina Devi @ Rukmini Devi W/o- Teras Ray Village- Sendaaur Ps- Ekma Dist- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mithesh Kumar Sah S/o- Lal Bihari Sah Village- Sendaaur Ps- Ekma Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 13-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State. Although the notice has been validly served upon respondent No.2, there is no representation on his behalf.

2. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 25.03.2025 passed by learned Exclusive Special Judge SC/ST, Saran at Chapra, in A.B.P. No. 764 of 2025 in connection with Ekma P.S. Case No. 04 of 2025, registered under Sections 126(2), 115(2), 118(1) 109 and 3(5) of the B.N.S read with Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled



Tribe (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, two mahua trees of the informant, namely, Mithilesh Kumar Sah are situated near the house of Teras Ray (co-villager) and one of which had dried up. On 07.01.2025 at about 10:00 A.M., the informant was talking to a labourer and at that very moment, Teras Rai came and asked the informant to cut down both the trees but the informant denied to cut both the trees upon which Teras Rai started abusing him by taking his caste name. On being protested, Mantu Rai (appellant) along with other co-accused persons, namely, Nisha Devi, Rukmini Devi, Sita Kunwar, Rinku Devi came with weapons. It is further alleged that Mantu Rai (appellant no. 1) hit the informant by means of sickle on his head with an intention to kill him, but somehow informant saved himself and due to which he got cut injury on his neck. On *hulla*, the villagers gathered and took the informant to Ekma Hospital from there he was referred to Sadar Hospital, Chapra, for further treatment.

4. Learned counsel appearing for the appellants submits that the appellants bear clean antecedent and are innocent. Learned counsel for the appellants submits that the



bone of contention and the dispute is with respect to two mahua trees which is claimed by both of the parties. Although the appellant no. 1 is alleged to have assaulted by means of *tangi* on the head of the informant but the injury report as has been mentioned in the Impugned Order dated 25.03.2025 would suggest that the injuries are simple in nature caused by hard and blunt substance (HBS) and the injury report is not corroborated by the allegations as levelled in the F.I.R.. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellants. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that the dispute primarily



between the parties is due to mahua trees and the injury report has not been corroborated by the allegations as levelled in the F.I.R., and the allegation does not come under the purview of SC/ST Act, let the above named appellants in the event of their arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST, Saran at Chapra, in connection with Ekma P.S. Case No. 04 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 25.03.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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