

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1817 of 2025

Arising Out of PS. Case No.-185 Year-2023 Thana- KARJA District- Muzaffarpur

1. Vinay Mahto @ Vinay Kumar Mahto S/O Late Baiju Mahto R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.
2. Raushan Kumar S/O Laxman Mahto R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.
3. Kshitij Kumar @ Kshitij Kumar Mahto S/O Vinay Mahto @ Vinay Kumar Mahto R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.
4. Vimal Kumar S/O Raj Deo Mahto R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.
5. Ajay Mahto @ Ajay Kumar Mahto R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.
6. Mintu Mahto S/O Bathu Mahto R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi W/O Jiyalal Paswan R/O Village- Borbara, P.S- Karja, Distt.- Muzaffarpur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 02-02-2026 1. Heard learned counsel for the appellants, learned Special P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The learned counsel for the appellants, after some argument, seeks permission to withdraw the instant appeal with respect to appellant no.3 Kshitij Kumar @ Kshitij Kumar Mahto.



3. Permission is accorded.

4. Accordingly, instant appeal is dismissed as withdrawn with respect to appellant no.3 Kshitij Kumar @ Kshitij Kumar Mahto.

5. The appellants have challenged the order dated 15.02.2025 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Karja P. S. Case No.185 of 2023, instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 307, 379, 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

6. It is next submitted that appellant nos.1 and 2 have antecedent of two cases, and appellant no.4 has antecedent of one case and appellant nos.5 and 6 are persons with clean antecedent and the informant alleges that on 04.06.2023 at 8.00 P.M., Anil made a call and called her son Vishal near a temple when the informant reached the place of occurrence and Karan assaulted her by rod causing injury on head, thereafter Ravindra assaulted by lathi causing injury on ear when Shyam Ji came to save her accused Kshitij assaulted Shyam Ji by rod causing injury in his left eye thereafter Raushan, Vinay, Naresh, Vimal



and Shyamanand assaulted Sujit by rod causing injury on head and thereafter all the accused persons also assaulted Sanjit. Further, Mintu and Ajay by rod and lathi assaulted Nishant and Rahul and Naresh snatched Rs.5,000/- from Nishant.

7. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that earlier Karja P. S. Case No. 133 of 2023 dated 12.04.2023 was instituted by Sanjay alleging that his daughter was kidnapped by Satnam Paswan on 09.2.2023. It is submitted that after the daughter of Sanjay was kidnapped by Satnam thereafter a dispute arose in between the side of the informant and the appellants including Sanjay though appellants are not related to Sanjay. It is next submitted that from the side of the appellants Karja P. S. Case No. 184 of 2023 dated 05.06.2023 came to be instituted against the informant and her side, as such, the instant FIR is a counter-blast. It is next submitted that after the instant FIR came to be instituted, again from the side of the appellants Karja P. S. Case No. 201 of 2023 dated 17.06.2023 came to be instituted against the informant and her side and thereafter Karja P. S. Case No.268 of 2023 dated 08.08.2023 also was instituted against the informant and her side. It is thus submitted that after the Karja P. S. Case No.



133 of 2023 came to be instituted, thereafter state of litigation started. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no allegation of abuse is alleged, but then, the instant FIR is a counter-blast. It is further submitted that even the injury suffered by the injured has been opined to be simple in nature which amply demonstrates that on account of earlier dispute, an altercation took place in which both sides assaulted each other.

8. The learned Special P.P. as well as the learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that earlier more than three cases were instituted from the side of the appellants against the informant and her side.

9. Regard being had to the aforesaid submissions, the order dated 15.02.2025 is set-aside.

10. The appeal stands allowed.

11. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each



to the satisfaction of learned Special Judge, SC/ST (POA) Act,
Muzaffarpur in connection with Karja P. S. Case No.185 of
2023, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

(Satyavrat Verma, J)

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