

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1947 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- SC/ST District- Madhubani

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1. Indra Shekhar Maharaj @ I. S. Maharaj @ Raja Maharaj @ Indra Shekhar S/O Late Sita Ram Maharaj R/O Vill.- Sangikoriya Tol, P.s.- Phulparas, Dist.- Madhubani
 2. Raushan Kumar Maharaj @ Raushan Maharaj @ Dhananjay Kumar Mahraj S/O Indra Shekhar Maharaj @ Raja Maharaj R/O Vill.- Sangikoriya Tol, P.s.- Phulparas, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Mostt Purni Devi W/O Bachaan Mallick R/O Vill.- Sijauliya, P.s.- Phulparas, Dist.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandev Yadav Mr. Ravi Prakash Mr. Rajesh Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-06-2026 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 18.03.2025 passed by the learned Additional Sessions Judge 1-cum-Special Judge, SC/ST Act, Madhubani in connection with ABP No.420 of 2025 arising out of SC/ST P. S. Case No. 90 of 2024, instituted for the offences under Sections 126, 115(2), 76, 303(2), 352, 351(2) and 3(5) of the B.N.S and Sections 3(i)(r) (s)w(i), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for



grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that from perusal of the office report dated 04.05.2026, it would manifest that the notice has been validly served upon the responded no.2, thereafter the case was taken up on 21.05.2026 and one more opportunity was granted to the respondent no.2 to appear but it appears that respondent no.2 despite receiving notice validly chooses not to appear and contest. It is next submitted that appellants are persons with clean antecedent and the informant alleges that during Chhat festival, she had gone to sell her bamboo pot in the village and Indra Shekhar @ Raja Maharaj purchased two bamboo pots from her but did not pay the money, as such, on 08.11.2024 at about 2.00 PM, the informant along with her daughter-in-law went to the house of Indra Shekhar and Raushan and demanded her money, on which appellants abused her by caste name and assaulted her. Further, Raushan pushed the daughter-in-law of the informant and sat on her chest and even torn her clothes and Indra Shekhar snatched nose-pin of the informant and Rs. 2400/- in cash, on alarm people gathered hence, they were saved.

4. The learned counsel submits appellants have been



falsely implicated in the instant case by the informant. It is next submitted appellants and the informant reside nearby and pigs of the informant at times entered the field of the appellants on which objection is raised, as such, the instant false case came to be instituted. It is next submitted that it does not appear probable that the appellants after purchasing two bamboo pots would not have paid the money to the informant. It is further submitted that even presuming what has been alleged is true without admitting, then the entire occurrence took place at the house of the appellants, as such, was not in public view hence, rigor of section 18 of the SC/ST (P.O.A.) Act will not apply. It is also submitted that there is no injury report on record and the allegation of assault and abuse is exaggerated and this perhaps explains why the respondent no.2 despite receiving notice chooses not to appear and contest.

5. The learned Special P.P. opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 18.03.2025 is set-aside.

7. The appeal stands allowed.

8. 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 Additional Sessions Judge 1-cum-Special Judge, SC/ST Act, Madhubani in connection with SC/ST PS Case No. 90 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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