

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2349 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Bindeshwar Mahto @ Bindeshwar Mahato S/O Late Ram Swaroop Mahto @
Late Ram Swarup Mahato R/O village - Harpurkala @ Harpur Kalan ward
no. 7, P.S.- Majorganj, Dist. -Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Biltu Paswan S/O Late Chaudhary Paswan R/O village - Harpur kala, P.S.-
Majorganj, Dist. -Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-07-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 20.05.2025 passed in a case registered for the offence
punishable under Sections 126(2), 115(2), 118(1) and 352 of the
B.N.S. and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, whereby
the prayer for grant of anticipatory bail of this appellant has



been rejected.

4. The prosecution case, in brief, is that on 01.04.2025 at about 11 AM, informant was working at the house of one Yogendra Mahto, in the meantime, this appellant came there, abused informant with caste based slurs and assaulted him with *Dab* as a result of which he sustained injury on his left hand's finger.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case at the instance of Yogendra Mahto from whom the appellant is on litigating terms due to land dispute and at whose house, the informant works as a labour. Doctor has found the injuries, allegedly caused by this appellant, simple in nature. It is lastly submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant.



7. Considering the facts and circumstances of the case and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 20.05.2025 passed by the learned District and Additional Sessions Judge 1st-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with A.B.P. No. 18 of 2025 arising out of Majorganj P.S. Case No. 133 of 2025 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 District and Additional Sessions Judge 1st-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Majorganj P.S. Case No. 133 of 2025.

(Prabhat Kumar Singh, J)

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