

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3489 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- SANGRAMPUR District- East
Champaran

-
-
1. Moti Mahto Son of Late Triveni Mahto R/O Vill.- Thikha Bhawanipur, P.s.- Sangrampur, Dist.- East Champaran.
 2. Shivpujan Mahto Son of Late Triveni Mahto R/O Vill.- Thikha Bhawanipur, P.s.- Sangrampur, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Baitha Son of Mohan Baitha R/O Vill.- Kishunpur, P.s.- Piprakothi, Dist.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Mr. Hemant Ray, Advocates
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-01-2026 At the outset, learned counsel for the appellants seeks permission to withdraw this anticipatory bail appeal with regard to appellant no. 2 as he has already been arrested during pendency of the case.

2. Permission is granted.

3. This anticipatory bail appeal with regard to appellant no. 2 is, accordingly, dismissed as withdrawn.

4. Despite valid service of notice, none appears on behalf of the respondent no. 2.

5. Heard learned counsel for the appellants and the State.



6. This appeal has been filed against the order dated 03.07.2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 2475 of 2024 arising out of Sangrampur P.S. Case No. 110 of 2024 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant no. 1 has been rejected.

7. As per F.I.R., on 29.4.24 at about 7 PM, this appellant along with other named accused persons verbally abused informant using casteist slur, assaulted him and snatched gold chain from his neck.

8. Learned counsel for the appellant submits that both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged. F.I.R. has been lodged after inordinate delay of three days without any explanation, which itself raises doubt over veracity of the prosecution case. Allegation against appellant is general and omnibus and there is no specific accusation of any overt act against him. It is not the case of informant that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against the appellant. Appellant claims clean antecedent.



9. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

10. Considering the nature of accusation, delay in lodging the F.I.R. and clean antecedent, let the appellant no. 1, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 2475 of 2024 arising out of Sangrampur P.S. Case No. 110 of 2024.

11. Accordingly, this criminal appeal is allowed and impugned order dated 03.07.2024 is set aside with respect to appellant no. 1 only.

12. This appeal is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

