

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3442 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- Maghopur District- Gopalganj

1. Saroj Mahto S/O Hira Mahto R/O Village- Belsand, P.S.- Madhopur, District- Gopalganj
2. Hira Matho S/O Raghunath Mahto R/O Village- Belsand, P.S.- Madhopur, District- Gopalganj

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Om Prakash Kumar S/O Pradip Manjhi R/O Village- Belsand, P.S.- Madhopur, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachina
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 20-01-2026 **1.** Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari No. 1.
- 2.** No one appears on behalf of the informant.
- 3.** This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 24-7-2025 in A.B.P. No. 1035 of 2025 passed by the learned Additional Sessions Judge-11-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Madhopur P.S. Case No. 23 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) as well as Sections 3(1)(r)(s) and 3(2)(va) of the



SC/ST Act.

4. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that he was going to purchase meat on 14-3-2025 at 2 pm and when he reached near the house of Kokie when he was intercepted by the accused persons including the appellants along with three women and three unknown accused and they started abusing by taking caste name, on objection all the accused assaulted him and Mantu assaulted by Gadasa causing injury on head, while Bhagwan spat on his face and Sandip took Rs. 2,700 from his pocket.

5. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature. It is further submitted that it does not appear probable that all the accused in one go would have abused the informant by taking caste name. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that specific allegation of assaulting the informant by Gadasa causing injury on head is against Mantu and while Bhagwan is alleged to have spat on his face and Sandip is alleged to have taken Rs. 2,700 from his pocket and as far as appellants are concerned, the allegation against them is general and omnibus in nature. It is also submitted that appellant no. 2 has remained a person with clean antecedent all throughout but all of a sudden made an accused. It is



further submitted that the date of occurrence is 14-3-2025 and the FIR came to be instituted on 16-3-2025, i.e., after a delay of two days without any plausible explanation which amply demonstrates that the FIR was instituted by way of afterthought.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

Sumit/-

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

