

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3481 of 2025

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

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1. Sandip Mahto S/o Ramashankar Mahto R/o Village- Belsand, P.S- Madhopur, District- Gopalganj
 2. Mantu Mahto S/o Sri Kokil Mahto R/o Village- Belsand, P.S- Madhopur, District- Gopalganj
 3. Lavkush Mahto S/o Sri Bhagwan Mahto R/o Village- Belsand, P.S- Madhopur, District- Gopalganj
 4. Kokil Mahto@Rajkokil Mahto S/o Late Raghunath Mahto R/o Village- Belsand, P.S- Madhopur, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Om Prakash Kumar S/o Pradosh Manjhi R/o vill - Belsand, P.S.- Madhopur, Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sachina, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Dhananjay Kumar Tiwary, Advocate
	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-02-2026 Heard Mr. Sachina, learned counsel for the appellants and Mr. Mritunjay Kumar, learned counsel for the informant beside learned Spl. PP representing the State.

2. This appeal has been filed for setting aside the order dated 03.07.2025 passed by the learned Additional Sessions Judge-11-cum Special Judge, SC/ST Act, Gopalganj in connection with Madhopur P.S. Case No. 23 of 2025 registered for the offence punishable under sections 351(2), 352, 126(2),



115(2), 303(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita and section 3(1)(r)(s) and 3(2)(va) of the SC/ST (P.O.A.) Act, whereby the prayer for anticipatory bail of the appellants have been rejected.

3. As per the prosecution story, the informant alleged that while he was going to the market and reached near the house of Kokil Mahto, the named accused persons came armed variously and started assaulting. In the process, the allegation is that Mantu Mahto assaulted the informant on the head causing injury while Sri Bhagwan Mahto not only spitted on him, also took caste name. Against appellant no.1, Sandip Mahto, the allegation is of taking away Rs.2,700/-. He was taken to the Primary Health Centre, Barauli which followed the F.I.R..

4. Learned counsel for the appellants submit that a perusal of the F.I.R. would show that no allegation is against appellant no.3 and 4 while though allegation of assault is on Mantu Mahto, it has been found to be simple in nature.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that there is specific allegation is against Mantu Mahto and Sri Bhagwan Mahto though allegation of taking away of amount is also on Sandip Mahto.



6. Considering the submissions of the parties as also the materials on record and fact that the specific allegation of caste abuse has been attributed to Sri Bhagwan Mahto and he is not before this Court, allegation of assault is on Mantu Mahto, appellant no.2, his prayer for anticipatory bail stands rejected.

7. So far as the appellant nos. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto respectively are concerned, taking into account the aforesaid facts as also the allegation of caste abuse and/or assault theory is not on them and it is submitted that the cognizance has not been taken in the matter, some of the co-accused namely Saroj Mahto and Hira Mahto have been extended relief in Cr. Appeal (SJ) No. 3442 of 2025, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. The impugned order dated 03.07.2025 passed by the learned Additional Sessions Judge-11-cum Special Judge, SC/ST Act, Gopalganj in connection with Madhopur P.S. Case No. 23 of 2025 stands set aside and the appeal is allowed in respect of appellant nos. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto.

9. Let the appellant nos. 1, 3 and 4 namely Sandip



Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-11-cum Special Judge, SC/ST Act, Gopalganj in connection with Madhopur P.S. Case No. 23 of 2025.

(i) one of the bailor should be the family member/relative of the appellant nos. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the appellant no. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant no. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial



Court itself;

(iv) the appellant no. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the appellant no. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellant no. 1, 3 and 4 namely Sandip Mahto, Lavkush Mahto and Kokil Mahto @Rajkokil Mahto shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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