

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3609 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- SC/ST District- Darbhanga

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1. Yashodhar Mahto Son of Laxmi Mahto R/o Ward no. 06, Narha, P.S. - Narha, P.O. - Sajhwar, Dist. - Darbhanga, Bihar, 847201.
 2. Ramakant Mahto Son of Laxman Mahto R/o Gram - Narha, P.S. - Bahera, P.O. - Sajhwar, Dist. - Darbhanga, Bihar, 847201.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi Wife of Late Mangal Paswan R/o Village - Sazhuar, Ward no. -07, Post - Sazhuwar, P.S. - Bahera, Block - Benipur, Panchayat - Sazuhuwar, Dist. - Darbhanga, Bihar, Pin -847201

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anurag Saurav, Advocate Miss. Sharda Raje Singh, Advocate Mr. Ankesh Bibhu, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 23-02-2026 Heard Ld. counsel for the appellants and Ld. Special
Public Prosecutor for the State.

2. Despite notice served upon Respondent
No.2/Informant, nobody is present on behalf of the Respondent
No.2/Informant.

3. The present appeal has been preferred by the
appellants under Section 14(A)(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 against
the order dated 01.08.2025, passed by learned Exclusive Special
Judge, SC/ST Act, Darbhanga in A.B.P. No. 11 of 2025, arising



out of Darbhanga SC/ST P.S. Case No. 27 of 2025, whereby learned Court below has rejected the application of the Appellants for anticipatory bail.

4. As per allegation, the appellants along with other three co-accused came into the house of the informant lady belonging to Dushadh Caste and asked her how did her son dare to marry the daughter of their family. The informant was reminded that she belonged to low caste. They also damaged the utensils kept in the house and hurled dirty abuses.

5. Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. She further submits that as a matter of fact, the daughter of co-accused/Pawan Das was kidnapped, hence, one F.I.R. has been lodged against the family members of the informant/Sita Devi and hence, this false case has been lodged with intent to harass the petitioners and other co-accused. She further submits that even as per the allegation, nowhere it is stated that the accused persons do not belong to SC/ST Community. She also points out that this is also not clear whether occurrence has taken place in the public view. The occurrence has taken place inside the house of the informant which cannot be said to have happened under public view.



Hence, even as per the allegation, no offence is made out under SC/ST Act and the case is false and fabricated against the accused persons including the petitioners.

6. It is also stated in paragraph no. 2 of the petition that the appellants have not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellant No.1 has three criminal antecedents and appellant No.2 has two criminal antecedents.

7. However, ld. Special Public Prosecutor for the State submits that it is a *prima facie* case under SC/ST Act is made out and hence, anticipatory bail petition is not maintainable.

8. Considering the fact that this case has been filed as a counter blast to the kidnapping case lodged against the family members of the informant and there being no *prima facie* offence punishable under SC/ST Act is made out against the appellants, the present appeal is allowed, setting aside the impugned order dated 01.08.2025, passed by learned Exclusive Special Judge, SC/ST Act, Darbhanga in A.B.P. No. 11 of 2025, arising out of Darbhanga SC/ST P.S. Case No. 27 of 2025 and directing the appellants, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /



production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Darbhanga SC/ST P.S. Case No. 27 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the appellants have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellants.

9. The appeal stands allowed, accordingly.

(Jitendra Kumar, J.)

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