

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3732 of 2025

Arising Out of PS. Case No.-12 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Jamadar Mahto @ Jamdar Mahto S/O Bigan Mahto Resident of Vill.-
Sisawaniya, Dhangar Toli, P.S.- Ramgarhwa, Dist.- East Champaran.
... .. Appellant/s

Versus

1. The State of Bihar.
2. Sundarpati Devi W/O late Mohan Manjhi Resident of Vill.- Sisawaniya,
Dhangar Toli, P.S.- Ramgarhwa, Dist.- East Champaran.
... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar, Advocate Mr. Sitesh Kashyap, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-02-2026 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. The appellant has preferred the present appeal under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for short 'the Act') against the order
dated 18.07.2025 passed by the learned Exclusive Special Judge
(SC/ST Act), East Champaran at Motihari, in A.B.P. No.
3175/2025 arising out of Complaint Case No. 12/2020 (Tr. No.
158/2021) registered under Sections 323, 341, 504 of the Indian
Penal Code and Sections 3(i)(r)(s) of SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed
under Section 14A(3) of the Act.



4. As per complaint, appellant disposes complainant from her land, which was allotted to her through “*purcha*” by District Administration.

5. Learned counsel appearing for the appellant submitted that the allegation as raised through complaint petition is not appears convincing for the simple reason that same not appears supported through affidavit and, therefore same cannot be relied upon in view of legal report as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***.

It is submitted that primarily dispute appears civil in nature arising out of land dispute. It is submitted that even the allegation *qua* abusing caste name also not appears convincing as same was not made in public view. In support of his submission, learned counsel relied upon the legal report of Hon’ble Supreme Court as available through ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710*** and ***Gulam Mustafa Vs. State of Karnataka and Anr.*** reported in ***2023 SCC OnLine SC 603***.

6. Learned Special P.P. duly assisted by learned counsel Mr. Manjeet Kumar Mishra, appearing for the informant, while opposing the prayer of bail submitted that the appellant was actively involved in the occurrence. It is submitted that abuse was made in caste name of complainant.



7. In view of aforesaid factual submissions and by taking note of fact as dispute primarily appears civil in nature, where allegation in caste name *prima facie* also not appears to be made in public view, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), East Champaran at Motihari/concerned Court, where the case is pending in connection with A.B.P. No. 3175/2025 arising out of Complaint Case No. 12/2020 (Tr. No. 158/2021), subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of BNSS.

8. Accordingly, impugned order dated 18.07.2025 as passed through A.B.P. No. 3175/2025 is hereby set aside/quashed.

9. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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