

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67259 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- Bijdhari District- East Champaran

1. Vinod Mahato S/o Rajendra Mahto R/o Village - Rampur Kodar, P.S - Bijdhari, District - East Champaran
2. Sarita Devi W/o Vinod Mahato R/o Village - Rampur Kodar, P.S - Bijdhari, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi W/o Awdhesh Ram R/o Village - Rampur Kodar, Ward No. 11, P.S - Bijdhari, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, Special P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-01-2026 Heard learned counsel for the petitioners and
learned Special P.P. for the State.

2. Despite issuance of notice and the notice having
been received personally by the Opposite Party No. 2, no one
appears on behalf of the Opposite Party No. 2.

3. The petitioners apprehend their arrest in a case
registered under Sections 126 (2), 115(2), 118(1), 303 (2), 74,
352, 351(2), 3(5) of B.N.S and Sections 3(1) (r), (s), 2 (va) of
SC and ST Act.

4. As per the prosecution case, the twelve year old
daughter of the informant was abused making caste based



remarks by Sarita Devi (Petitioner No. 2) and when the informant went to enquire about the incident, the accused persons indulged in a act of assault.

5. Learned counsel for the petitioners submits at the outset that even as per the allegations of the F.I.R, the second part of allegations is said to have taken place at the door of the house of the petitioner and the first part also does not relate to any public view, as such, the allegations under the SC/ST Act would not be made out. Learned counsel for the petitioners further submits that the incident has taken place out of a land dispute between the parties and no offence under the POCSO Act is made out in the facts of the case which was subsequently added. It has also been submitted that the injuries caused to the informant are simple in nature and the allegations under the SC/ST Act have been ornamentally added to increase the gravity of the case.

6. The application for anticipatory bail is opposed by learned Special P.P. for the State.

7. Taking into consideration the facts and circumstances and also considering that the case was filed on account of some dispute between the parties which has not resulted in any serious consequences or injuries to the informant



or his family, let the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with anticipatory bail petition no. 2799 of 2025, arising out of Bijdhari P.S. Case No. 38 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023, subject to the conditions that the petitioner would cooperate in the investigation.

(Soni Shrivastava, J)

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