

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4265 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- SC/ST District- Samastipur

Sachin Kumar Mahto S/O Late Babu Lal Mahto Resident of Village- Khaira
Dargah, P.S.- Rosera, Dist.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhishek Kumr S/O Binod Mahto Resident of Village- Govindpur Chowk
Ward no.5, P.S.- Rosera, Dist.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amritesh Kumar, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mrs. Rani Shashi Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 17-06-2026 Heard Mr. Amritesh Kumar, learned counsel for the

appellant, Mrs. Rani Shashi Bharti representing the informant and

Mr. Jitendra Kumar Singh, learned APP.

2. This appeal has been filed for setting aside the order dated 11.08.2025 passed by learned Exclusive Special Judge, SC/ST Act, Samastipur in connection with SC/ST Samastipur P.S. Case No. 1 of 2025 registered for the offence punishable under sections 126(2), 127(2), 115(2), 352, 351(2) and 3(5) of the BNS and Sections 3 (1) (r) (s) and 3 (2) (v)(a) of the SC/ST Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged



that while he was taking a morning walk, saw five accused persons including the petitioner alongwith other unknown persons. He asked them where his sister has been taken whereafter they abused, assaulted and threw him in a nearby canal. The locals shifted him to the hospital which led to the FIR.

4. In this case, taking into account that the victim girl was missing, this Court on 16.04.2026 directed the S.P, Samastipur to constitute a team headed by Dy.S.P. for her recovery, and thereafter, file affidavit.

5. Through Mr. Jitendra Kumar Singh an affidavit has come duly signed by the Dy.S.P. The victim girl who is major (20 years of age) appeared before the learned Judicial Magistrate, First Class, Samastipur and informed that she has solemnized marriage with Naveen Kumar and the couple is blessed with a 1.5 month old child. Further, she is happy in her in-laws house and the informant alongwith her family members are taking all steps to harass them/her in-laws.

6. The narration of the victim clearly shows that she being a major moved on her own and it is the case where the filing of the FIR is being misused in the opinion of the Court.

7. Accordingly, this Court directs the S.P., Samastipur to supervise the matter under the Dy.S.P. concerned till the investigation concludes and matter is taken to its logical



conclusion. If it is found, once the investigation is concluded, that it was a false narration of the informant in the FIR, appropriate steps be taken in accordance with law and the matter should not be closed only showing that the case has been found untrue.

8. This opinion has been recorded only in the case the Police finds the case to be untrue and not otherwise.

9. So far as the anticipatory bail application of the appellant is concerned, taking into account the aforesaid facts that has come on record, this Court is inclined to extend him the privilege of anticipatory bail.

10. The impugned order dated 11.08.2025 stands set aside and the appeal is allowed.

11. Let the appellants, named above, 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 Exclusive Special Judge, SC/ST Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 1 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;



(ii) the appellant shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant 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 bail bond by the Trial Court itself;

(iv) the appellant 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;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

12. Let a copy of the order send to the office of the Superintendent of Police, Samastipur for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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