

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5152 of 2024

Arising Out of PS. Case No.-289 Year-2024 Thana- PANAPUR District- Saran

1.

Surendra Mahto S/O Late Shiv Shankar Mahto R/O Village- Dhenuki, P.S- Panapur, Distt.- Saran at Chapra (Bihar).
2.

Prince Mahto S/O Surendra Mahto R/O Village- Dhenuki, P.S- Panapur, Distt.- Saran at Chapra (Bihar).

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Rekha Devi W/O Guddu Nut R/O Village- Dhenuki, Ward No. 10, P.S- Panapur, Distt.- Saran At Chapra (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar
For the Respondent/s	:	Mr. Binay Krishna
For the Res No. 2	:	Mr. Jeetendra Narayan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

512-03-2026

Heard learned counsel for the appellants, the learned Spl. P.P. for the State and the learned counsel for the informant.

2. This appeal is preferred against the order dated 07.10.2024 passed by the learned Exclusive Special Judge, SC/ST (POA)Act, Saran at Chapra passed in ABP No. 3477 of 2024 arising out of Panapur P.S. Case No. 289 of 2024 registered for the offence under Sections 126(2), 115, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(i)(r)(s) of the SC/ST Act, by which the prayer of the appellants for anticipatory bail was rejected.

3. As per the prosecution case, the appellants are



alleged to have sold a piece of land that had previously been sold by their agnates. It is further alleged that the appellants abused the informant by addressing caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case and therefore, this anticipatory bail application is maintainable. He further submits that the appellants, without accepting their guilt, are ready to return the amount of Rs. 1 Lakh to the respondent no. 2.

5. Learned counsel for the State and the learned counsel for the informant have opposed the prayer of the appellants. The learned counsel for the Respondent No. 2 gives an undertaking that the respondent no. 2 will vacate the possession of the land in question after the amount of Rs. 1 Lakh.

6. From the reading of the entire FIR, it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

7. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail is maintainable.

8. Considering the rival submissions of the parties and



the facts of the case, the appeal stands allowed. Accordingly, the 07.10.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Saran at Chapra passed in ABP No. 3477 of 2024 arising out of Panapur P.S. Case No. 289 of 2024 is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds 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/successor Court in connection with Panapur P.S. Case No. 289 of 2024, subject to the conditions laid down under Section 438(2) of the Cr. P.C./ Section 482(2) of the BNSS and with further condition that:-

At the time of furnishing bail bonds, the appellants shall produce a demand draft of Rs. 1,00,000/- in favor of the Respondent No. 2. After verification of the genuineness of the demand draft, the learned Court below shall accept the bail bonds of the appellants; in the event the demand draft is found not to be genuine, the Court shall pass such appropriate orders as deemed fit.

(Sandeep Kumar, J)

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