

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5237 of 2024

Arising Out of PS. Case No.-395 Year-2024 Thana- HARSIDHI District- East Champaran

1. Jailal Mahto Son of Late Devki Mahto Resident of Village - Bagaha, Ward No.1, Police Station - Harsidhi, District - East Champaran
2. Ragho Mahto Son of Giduni Mahto Resident of Village - Bagaha, Ward No.1, Police Station - Harsidhi, District - East Champaran
3. Rajkumar @ Rajkumar Mahto Son of Ragho Mahto Resident of Village - Bagaha, Ward No.1, Police Station - Harsidhi, District - East Champaran
4. Hemraj @ Hemraj Mahto Son of Ragho Mahto Resident of Village - Bagaha, Ward No.1, Police Station - Harsidhi, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohan Paswan Son of Chandesh Paswan Resident of Village - Bagaha, Ward No.1, Police Station - Harsidhi, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sarvesh Kashyap
For the Respondent/s	:	Ms.Usha Kumari 1
		Mr.Abhishek Kumar
		Ms.Rashmi Jha
		Mr.Sharad Kumar Verma
		Mr.Sagar Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-04-2026 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 14.08.2024 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Harsidhi P. S. Case No.395 of 2024, instituted for the offences under Sections 126, 115(2), 118, 109, 76, 303(2), 351, 352 and 3(5) of the



B.N.S. and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that accused persons on 15.07.2024 at 8.00 P.M. came and Ragho Mahto (appellant no.2) abused him by taking caste name and gave orders to kill on which Shivnath assaulted by farsa causing injury on head while Jailal Mahto (appellant no.1) assaulted his mother Rina Devi and tore her clothes and abused by taking caste name while Hemraj snatched her mangalsutra and Raj Kumar assaulted by lathi, on alarm neighbours gathered and pacified the issue.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that no reason for the occurrence is alleged. It is also submitted that even presuming what has been alleged is true without admitting, then the entire occurrence is alleged to have taken place at the house of the informant and thus was not in public view. It is



next submitted that Shivnath is alleged to have assaulted the informant by farsa causing injury on head, but then Shivnath is not an appellant in the instant appeal and as far as appellants are concerned, the allegations against them is general and omnibus in nature. It is submitted that appellant no.2 has been implicated in the instant case with an allegation that based on his orders the occurrence took place and allegation against Jailal is of abusing the mother of the informant by taking caste name, but then the same is not in public view and there is no injury report of the mother of the informant on record and as far as Hemraj is concerned, the allegation against him and Raj Kumar is ornamental in nature. It is also submitted that if privilege of anticipatory bail is granted, the appellants will not abscond rather will cooperate in the investigation to prove their innocence.

5. The learned Special P.P. as well as the learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that injury report of mother of the informant is not on record and allegation of abuse is not within public view and allegation of snatching mangalsutra and giving orders and assaulting by lathi



is ornamental.

6. Regard being had to the aforesaid submissions, the order dated 14.08.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Harsidhi P. S. Case No.395 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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