

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4707 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- BAGENGOLA District- Buxar

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1. Sarwan Kumar Mahto @ Shrawan Kumar Mahto Son of Hiralal Mahto Resident of Village- Akorhi, P.S.- Bagengola, District- Buxar
 2. Ravi Kumar Mahto @ Ravi Mahto Son of Sarwan Kumar Mahto @ Shrawan Kumar Mahto Resident of Village- Akorhi, P.S.- Bagengola, District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramjee Paswan Son of Kishun Paswan Resident of Village- Kodhi, P.S.- Bagengola, District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rang Nath Choubey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 03-02-2026 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 10.11.2025 passed by learned Additional Session Judge-I -cum – Special Judge, SC/ST (P.O.A.) Act, Buxar whereby the prayer for bail of the appellants in connection with SC/ST Case No. 45 of 2025 arising out of Bagengola P.S. Case No. 26 of 2025 under Sections 103(1), 109, 3(5), 352 of B.N.S., 2023 and Sections 3(i) (r) (s) and 3(2)(va) of SC/ST (POA) Act was rejected.

3. The case of the respondent, in short, is that the



appellants, along with others, abused the informant with caste names and have also assaulted him. Thereafter, at about 06:00 PM, when the father of the informant, namely Kishun Paswan, and Raj Kumar Paswan were wandering near the Bajrangbali temple, five persons assaulted them with an iron rod. Among the assailants were Laxmina Devi and Lakhmuna Devi, who attacked them with bricks. When Sarita Devi came to rescue, she was also assaulted.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Learned counsel for the appellants submits that this FIR is in two parts. The name of the appellant finds place in the first part of the FIR, wherein the allegation is that they have abused the respondent with a caste name and assaulted them. In the second part of the FIR, there is no role for these appellants, and their name does not find place. He further submits that in the first part of the FIR, there is no allegation of any overt act against the appellants, and there is a general and omnibus allegation of abusing the appellants with caste names and of assault. He further submits that similarly situated other co-accused persons, namely, Lakhmuna Devi, Om Prakash Mahto, and Ramesh Mahto, have been granted the privilege of bail by the learned



coordinate bench of this court passed in Cr. Appeal (SJ) No. 2880 of 2025. The case of these appellants stands on similar footing. Moreover, the appellants are having no criminal antecedent and they are languishing in judicial custody since 10.11.2025.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.11.2025 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with SC/ST Case No. 26 of 2025 arising out of Bagengola P.S. Case No. 26 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Session Judge-I-cum-Special Judge SC/ST (P.O.A.) Act, Buxar.

(Ashok Kumar Pandey, J)

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