

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3281 of 2017

Arising Out of PS.Case No. -41 Year- 2016 Thana -SC/ST District- SARAN

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1. Shailendra Kumar Mahto, Son of Late Ramishwar Mahto resident of
Village- Pir Maker, P.S.- Maker, District- Saran at Chapra.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Udai Shankar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-12-2017 A Vakalatnama has been filed on behalf of the

appellant. Let it be taken on record.

Learned counsel for the appellant, during the course
of argument, has filed supplementary affidavit. Let that also be
kept on record.

Heard the learned counsels for the appellant and the
Spl. P.P.

The appellant has challenged the order dated
17.08.2017 passed by the learned 1st Additional Sessions Judge,
Saran at Chapra in connection with Saran SC/ST P.S. Case No.
41/2016 instituted for the offences under Sections 341, 323, 324,
379, 504 and 506/34 of the Indian Penal Code read with Section
3(i)(x) of the SC/ST (Prevention of Atrocities) Act, 2016, whereby



the prayer for his being released on bail, in anticipation of his arrest, has been rejected.

The informant is the Headmaster of an Upgraded Middle School, Sonapur, who is stated to have been abused by his caste name by one Pankaj Kumar, a co-accused and a teacher in the same school, when he was asked to teach the boys of Class I. Later, It has been alleged by the aforesaid Headmaster, that in support of aforesaid Pankaj Kumar, the petitioner also came and assaulted the informant by means of knife on his neck.

Learned counsel for the appellant has submitted that there is no allegation against the appellant of abusing the informant by his caste name. He has only been alleged to have given a knife blow to him. Curiously, the injuries suffered by the informant are in the nature of abrasion and swelling and all the injuries are stated to be simple in nature.

Learned counsel for the appellant has also drawn the attention of this Court to the fact that one of the co-villagers of the appellant has filed a petition under the R.T.I. Act seeking information regarding certain schemes, in which misappropriation by the informant has been committed. The appellant also is a teacher in the same school.

It has been argued that assuming every allegation in



the F.I.R. to be ex-facie true, no offence under any one of the provisions of the SC/ST Act can at all be said to have been made out, so far the appellant is concerned.

Learned counsel for the appellant has further submitted that the findings of the court below that the appellant had earlier approached the High Court in appeal is incorrect. In fact, the report of the Registry is otherwise and no data with respect to any appeal has been found in the High Court.

Considering the aforesaid facts, this Court deems it appropriate to set aside the order dated 17.08.2017.

The appellant is directed to be released on bail, in the event of his surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Court, Saran at Chapra in connection with Saran SC/ST P.S. Case No. 41/2016.

(Ashutosh Kumar, J.)

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