

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.463 of 2017

Arising Out of PS.Case No. -79 Year- 2016 Thana -SINGHIYA District- SAMASTIPUR

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1. RAM LAL MAHTO SON OF LATE HARE RAM MAHTO
 2. RAM PUNIT RAI SON OF HAKI RAI
 3. SANTOSH MAHTO SON OF LATE PALO MAHTO.
 4. ETWARI MAHTO SON OF AKHILESH MAHTO.
 5. BAIJYA NATH SAHU @ BAIDYA NATH SAHU SON OF LATE BHAGO SAHU.
 6. RAM SULIS MAHTO SON OF SUPARI LAL MAHTO
 7. SUPARI LAL MAHTO @ SUPARI LAL SON OF LATE JAISI RAM MAHTO
 8. RAM REKHI MAHTO SON OF LATE JAISI RAM MAHTO.
 9. GOVIND RAI SON OF RAM PUNIT RAI.
 10. RAJ KUMAR MAHTO SON OF LATE LADDU LAL MAHTO.
 11. CHUMAN MAHTO SON OF AKHILESH MAHTO
 12. MAKSUDAN MAHTO SON OF LATE BALO MAHTO.

ALL RESIDENT OF VILLAGE-MAHE TOLE, BARAHI, P.S.-
SINGHIYA, DISTRICT-SAMASTIPUR (BIHAR)

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Vinay Kumar Mishra, Adv.

For the Respondent/s : Mr. Sri Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 07-04-2017 Heard learned counsel for the appellants as
well as learned Special Public Prosecutor.

Learned counsel for the appellants has
submitted that no allegation under SC/ST (POA) Act is



made out on account thereof, the barrier so prescribed under the Section 18 of the Act is not applicable in the facts and circumstances of the case. Furthermore, it has also been submitted that there happens to be omnibus allegation whereunder, considering the plea of the appellants, they are to be allowed to enjoy the privilege of anticipatory bail.

The learned Special P.P. opposed the prayer.

From the allegation it is evident that while the prosecution party were erecting their thatched house over a land having been settled in their favour, all the accused variously armed came and forbidden them. On account of protest having at the end of prosecution, there happens to be specific disclosure against individual accused to have assaulted the respective members of the prosecution party.

Because of the fact that the accused persons pounced upon interest of the prosecution on account of settlement of the land, certainly covers the ingredient of Section 3(g) of SC/ST (POA) Act and on account thereof, Section 18 comes into play eclipsing the prayer made on behalf of appellants.



Consequent thereupon, instant memo of appeal is found non-maintainable and is accordingly dismissed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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