

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.995 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- SC/ST District- Patna

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1. Ram Dhyan Mahto @ Ramdhyan Chandra Mahto, Son of Late Anant Mahto.
 2. Sunil Mahto @ Sunil Kumar,
 3. Pancham Mahto @ Pancham Kumar, Both are Sons of Ram Dhyan Mahto @ Ramdhyan Chandra Mahto, resident of Village Motipur, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Smt. Usha Kumari Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 15.02.2018 passed by the learned Additional Sessions Judge-V-cum-Special Judge S.C./S.T. Act, Patna in A.B.P. No.989 of 2018, arising out of SC/ST (Patna) Police Station Case No.06 of 2018 registered under Sections 448, 341, 323, 379, 427, 504/34 of the Indian Penal Code and Sections 3 (1) (r), 3(1) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The first offence of abuse and assault was committed against the informant by the appellants on 14.07.2017. However, the matter was not reported to any authority. The subsequent act was committed on 26.12.2017 of identical nature and this matter was reported to the Police on 24.01.2018.

Submission of the learned counsel for the appellants is that for land dispute false allegation is there at the instigation of local people. The appellants have got no criminal antecedent.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that ingredients of offences are disclosed in the F.I.R. and non-registration of the F.I.R. is business of the Police. Moreover, no proper advice was there to the informant for lodging of the case.

The written report itself reveals that the same was given to the Police on 24.01.2018 and the Police registered the case on 24.01.2018 itself. Hence there are no laches on the part of the Police. There is no reasonable explanation for non-report of the occurrence which took place on 14.07.2017 and delayed information to the Police after one month for the occurrence dated 26.12.2017. Therefore, chances of mala fide prosecution cannot be ruled out. Hence, let the appellants, above named, in the event of their arrest or surrender before the court below



within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

