

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.803 of 2019**

Arising Out of PS. Case No.-344 Year-18 Thana- MASHRAK District- Saran

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1. SANJAY MAHTO @ SANJAY KUMAR MEHTA AND ANR Son of Asharfi Mahto Resident of Village - Jajauli, P.S.- masrakh, Distt.- Saran, Chapra
  2. Krishna Mahto Son of Teras Mahto Resident of Village - Jajauli, P.S.- masrakh, Distt.- Saran, Chapra

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Binod Kumar Sinha  
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA  
ORAL ORDER**

4      21-06-2019                      At the outset, learned counsel appearing for the appellant submits that appellant no. 2, Krishna Mahto, has been arrested during the pendency of this appeal, and as such, he seeks permission to withdraw this appeal as against the appellant no. 2.

In view of the above, the appeal is dismissed as withdrawn as against the appellant no. 2.

Heard learned counsel for the appellant and the learned counsel appearing for the State.

This appeal is directed against the order dated 15.01.2019 passed by 1<sup>st</sup> Additional Sessions Judge, Saran at Chapra in A.B.P. No. 3943 of 2018 in connection with



Mashrakh P.S. Case No. 344 of 2018 registered under sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(R)(vi) of the S.C. and S.T. (Prevention of Atrocities) Act.

Learned counsel appearing for the appellant submits that the appellant has been falsely implicated in this case. As a matter of fact, the appellant no. 2, who has been arrested during the pendency of this appeal, had earlier filed Mashrak P.S. Case No. 316 of 2017 against the present informant and others and in retaliation the present case has been lodged. Nothing specific is alleged against this appellant. The specific allegation is against appellant no. 2. Appellant is a man of clean antecedent.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the appellant no.1, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twentyfive thousand) with two sureties of the like amount each to the satisfaction of 1<sup>st</sup> Additional Sessions Judge, Saran at Chapra in connection with Mashrakh P.S. Case No. 344 of 2018 subject to the conditions laid down under



section 438(2) Cr.P.C.

This appeal is allowed and the impugned order is  
set aside.

(Arvind Srivastava, J)

mcv/-

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