

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1203 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- SC/ST District- Sheikhpura

1. Baldeo Mahto Son of Late Prayag Mahto Resident of Village - Lahna, P.S.- Karendey, District - Sheikhpura.
2. Umesh Mahto Son of Baldeo Mahto Resident of Village - Lahna, P.S.- Karendey, District - Sheikhpura.
3. Ramdeo Mahto Son of Late Janki Mahto @ Mishri Mahto Resident of Village - Lahna, P.S.- Karendey, District - Sheikhpura.
4. Subash Mahto @ Subhash Mahto, Son of Umesh Mahto Resident of Village - Lahna, P.S.- Karendey, District - Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 29-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 26.02.2019 passed by learned 1st Addl. District & Sessions Judge, Sheikhpura in Sheikhpura SC/ST P.S. Case No. 41 of 2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Over land dispute and on laying of the pipe for watering his field by the informant, appellants slated him in the name of his caste and slapped him. They also assaulted him during the course of Panchayati organized on the following day.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the property dispute is pending between the parties and appellant Baldeo Mahto has lodged Title Suit No. 71/18 against the informant and others and the son of the appellant Umesh Mahto has lodged Karandey P.S. Case No. 37 of 2018 against the informant and others preceding to the case under hand and due to aforesaid property dispute and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within



a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Sheikhpura in Sheikhpura SC/ST P.S. Case No. 41 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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