

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1311 of 2019**

Arising Out of PS. Case No.-2 Year-2018 Thana- AKILPUR District- Patna

1. NANHAK MAHTO @ RAVINDRA MAHTO Son of Ramvriksha Mahto Resident of Village - Manas, Naya Panapur, P.S.- Akilpur, District- Patna
2. Tuntun Mahto Son of Ramvriksha Mahto Resident of Village - Manas, Naya Panapur, P.S.- Akilpur, District- Patna
3. Arvind Kumar Son of Dev Kumar Mahto@ Badri Mahto Resident of Village - Manas, Naya Panapur, P.S.- Akilpur, District- Patna
4. Kunkun Kumar Son of Samser Mahto Resident of Village - Manas, Naya Panapur, P.S.- Akilpur, District- Patna
5. Santosh Kumar @ Santosh Mahto Son of Ravindra Mahto @ Nanhak Mahto Resident of Village - Manas, Naya Panapur, P.S.- Akilpur, District- Patna
6. Bal Ram Mahto@Baliram Mahto Son of Bahdai Mahto @ Uday Mahto Resident of Village - Manas, Naya Panapur, P.S.- Akilpur, District- Patna

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Murari Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-06-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.2.2019 passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 48 of 2018



(arising out of Akilpur P.S. Case No. 2 of 2018), registered under Sections 341, 323, 379, 354, 504, 448, 506, 34 of the Indian Penal Code and also under Section 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the informant and his mother and assaulted them and appellant Kunkun Kumar did not accord him his wages worth Rs.600/-.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive. Allegation against the appellants are not specific rather general and omnibus in nature. Appellants are not said to have salted the informant and his mother in the name of their caste. There is no injury to the victims, hence no offence under SC/ST Act is made out against the appellants. They have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Patna, in connection with Special Case No. 48 of 2018 (arising out of Akilpur P.S. Case No. 2 of 2018), subject to 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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