

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1748 of 2019

Arising Out of PS. Case No.-445 Year-2018 Thana- CHANPATIA District- West Champaran

1. Shashi Raut @ Shashi Mahto Son of Sita Ram Raut Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran
2. Raju Raut @ Raju Mahto Son of Ramji Raut Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran
3. Manoj Raut @ Manoj Patel Son of Ramji Raut Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran
4. Bechu Raut @ Manager Patel Son of Ramji Raut Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran
5. Vickey Patel @ Vickey Raut Son of Bechu Raut Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran
6. Bandhu Mahto @ Bannu Mahto Son of Late Mathura Mahto Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran
7. Satish Mahto Son of Bandhu Mahto @ Bannu Mahto Resident of Village - Brindavan Ashram, P.S.- Chanpatia, District- West Champaran

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Shrivastava
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 01-08-2019 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 14.03.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, West Champaran, Bettiah in



Chanpatia P.S. Case No. 445 of 2018 registered under Sections 147, 148, 149, 323, 342, 504, 506 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant taking the land on *Batai* from Ram Chandra Giri, is said to have cultivated the paddy crops on the said land. All the appellants descended at his paddy field and started harvesting the same, and on protest made by him, appellants Shashi Raut and Raju Raut assaulted him by means of iron rod and appellant Manoj Raut assaulted on his head by means of *Dab* and other appellants assaulted him by means of leg and fist. They also slated him in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, one Baliram Mahto has lodged case against the owner of the land, namely, Ram Chandra Giri and others vide Chandpatia P.S. Case No. 435/2018 and in the said case, appellants Shashi Raut, Manoj Raut and father of the appellants Manoj Raut and Bechu Raut, namely, Ramji Raut are witnesses and two other appellants, namely, Manoj Raut and Satish Mahto are the injured of the said case, and in order to save his skin from the said case, said landlord has got this false and frivolous case



lodged against the appellants through his *Bataidar* (informant). Though, three appellants are said to have assaulted the informant by means of iron rod and other appellants assaulted by means of leg and fist, but doctor has found only one stitch wound on the head of the informant which is simple in nature, which creates serious doubt about the prosecution case. Allegation levelled against the appellants is not specific rather general and omnibus in nature. They have no criminal antecedent, hence, they may be enlarged on bail.

Learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellants submitted that the appellants have assaulted the informant by means of iron rod and made him injured and they have also slated the informant in the name of his caste, hence, they do not deserve bail.

Having regard to 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. Sessions Judge cum Special Judge, West Champaran, Bettiah in



connection with Chanpatia P.S. Case No. 445 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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