

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1937 of 2019

Arising Out of PS. Case No.-636 Year-2018 Thana- ALAMGANJ District- Patna

1. Shiv Nath Mahton Son of Late Narayan Mahton Resident of Math Laxamanpur, Koeri Tola, Police Station- Alamganj, District- Patna.
2. Rekha Devi Wife of Shiv Nath Mahton Resident of Math Laxamanpur, Koeri Tola, Police Station- Alamganj, District- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Naresh Ray
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 15-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 16.11.2018 passed by learned Additional Sessions Judge-IV-cum Special Judge SC/ST Act, Patna in connection with Alamganj P.S. Case No. 636 of 2018 registered under Sections 341 & 323/34 of the Indian Penal Code and Section 3 (1) (B) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Co-accused Ajay Kumar along with the appellants are said to have been stalling boring on the land of the informant and on protest made by the informant they slated the informant and his family members in the name of their caste and also gave them chase to assault.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. As a matter of fact, the appellants had filed title suit against Manu Mahton which was decreed in favour of the appellants and final decree was also prepared. In the said decree appellants and his sister got 3½ decimals of land and their names have been mutated over it. Thereafter, appellant no.1 sold out 1.38 decimal of land to Smt. Chandrawati in the year 2018 and the Chandrawati was installing boring on the said land whereupon Manu Mahton along with other trespassers disturbed his possession and also resorted firing in the air. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Moreover, there is no allegation of slating the informant and his family members in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have



no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional Sessions Judge-IV-cum Special Judge SC/ST Act, Patna in connection with Alamganj P.S. Case No. 636 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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