

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1960 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- SC/ST District- Nalanda

-
1. Mahendra Mahto @ Mahendra Prasad Son of Ganauri Mahto Resident of Mohalla- Mahalpar, P.S.- Bihar, District- Nalanda.
 2. Banti Prasad @ Banti Kumar Son of Mahendra Mahto @ Mahendra Prasad Resident of Mohalla- Mahalpar, P.S.- Bihar, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Sinha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 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 27.02.2019 passed by learned 1st Addl. Sessions Judge, Nalanda at Biharsharif in SC/ST P.S. Case No. 51 of 2018 registered under Sections 448, 354, 341, 323, 504, 420/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant is said to have taken loan of Rs. 16000/- from the appellant Mahendra Mahto against document of the



house and later on the loan amount along with interest to the tune of Rs. 10,000/- was paid to the appellant, but despite receiving the principal amount and interest, he did not return her document instead demanded Rs. 10000/- more. On protest made by the informant, appellant Banti Prasad intruding into her house misbehaved with her daughter-in-law and when the informant arrived at the house of appellants to make complain, the appellant Mahendra Mahto slated her in the name of her caste and assaulted her.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. Earlier to the case under hand, the appellant Mahendra Mahto has filed Title Suit against the informant. He had never given any loan to the informant against any document of the property. None has sustained injury in the occurrence. Allegation of slating the informant is said to have been made inside the house of the appellants and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

On the other hand, learned Spl. P.P. opposed the bail prayer of the appellants.



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. Sessions Judge, Nalanda at Biharsharif in SC/ST P.S. Case No. 51 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)

rohit/-

U		T	
---	--	---	--

