

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2101 of 2019

Arising Out of PS. Case No.-318 Year-2018 Thana- TARAIYA District- Saran

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1. Kiran Devi W/o Mukesh Mahto Resident of Village - Galimapur, P.S.- Tariya, Dist.- Saran at Chapra.
 2. Gyanti Kunwar W/o late Harishankar Mahto Resident of Village - Galimapur, P.S.- Tariya, Dist.- Saran at Chapra.
 3. Mukesh Mahto Son of late Harishankar Mahto Resident of Village - Galimapur, P.S.- Tariya, Dist.- Saran at Chapra.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 18-07-2019 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 16.03.2019 and 12.04.2019 passed by learned Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Taraiya P.S. Case No. 318 of 2018 registered under Sections 341, 323, 379 & 504/34 of the Indian Penal Code and Section 3(1) (r) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant nos.2 & 3 and one another co-accused



are said to have slated the informant descending at his shop and on protest made by him appellant-Mukesh Mahto slated him in the name of his caste and assaulted him on his head inflicting head injury to him. Kiran Devi also assaulted him.

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 merely because appellant Kiran Devi has lodged a case against the informant and others. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is an inordinate delay of three days in lodging the F.I.R. without assigning any plausible reason. There is no allegation of slating the informant in the specific name of his caste against appellant nos.1 & 2. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposing the prayer for bail submitted that appellant - Mukesh Mahto slated the informant in the name of his caste and assaulted him on his head by means of rod inflicting head injury to him. Hence, he does not deserve bail.

In the facts and circumstances of the case, as appellant no.1-Kiran Devi and appellant no.2-Gyanti Kunwar do not



happen to be assailant and there is no allegation of slating the informant in the specific name of his caste against them and as they happen to be lady, 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 cum Special Judge SC/ST Act, Saran at Chapra in connection with Taraiya P.S. Case No. 318 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case, I am not inclined to enlarge appellant no3.-Mukesh Mahto on bail. The prayer for bail of the appellant no.3 is hereby rejected. However, he is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is disposed of.

Trivedi/-

(Prakash Chandra Jaiswal, J.)

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