

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2632 of 2019**

Arising Out of PS. Case No.-26 Year-2019 Thana- SC/ST District- Rohtas

=====

TUNTUN @ SANJAY MAHTO @ SANJAY KUMAR Son of Harendra  
Mahto Resident of Village - Makarain, Dalmiya Nagar, P.S.- Dehri, Distt -  
Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.Surendra Kumar Mishra  
For the Respondent/s : Mr.Sadanand Paswan

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

3      29-07-2019                      Heard learned counsel for the appellant 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 16.5.2019 passed by learned 1<sup>st</sup> Additional Sessions  
Judge-cum- Special Judge, SC/ST Act, Sasaram, Rohtas in  
connection with Dehri SC/ST P.S. Case No. 26 of 2019,  
registered under Sections 147,148, 149,341, 323, 307, 354, 379,  
427, 506, 504 of the Indian Penal Code and also under Section 3  
(i) (r) (s) of the Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act.



27 named and 10-15 unknown miscreants are said to have descended at the door of the informant and pushed the same slating her in the name of her caste. Co-accused Awanish Singh @ Awanish Anand is said to have assaulted on the head of Niranjana Kumar by means of hockey stick while appellant is said to have assaulted Niraj Kumar on his finger by means of knife. They have also assaulted the Gotani of the informant and Aryan Kumar when they rushed in her rescue. Accused persons are also said to have snatched golden chain of the informant and her other family members.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to animosity. There is case and counter case between the parties. There were 42 persons at the place of occurrence, but the informant has not specifically stated as to who slated her in the name of her caste. Though the appellant is said to have assaulted on the finger of Niraj Kumar by means of knife but in the medical examination doctor has found said injury as lacerated cut injury simple in nature caused by hard and blunt substance which rules out the prosecution case. Barring Niraj Kumar none has sustained injury in the occurrence. Several other co-accused persons have been



enlarged on bail by this Court. He has 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 appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sasaram, Rohtas in connection with Dehri SC/ST P.S. Case No. 26 of 2019, 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)**

T.Kr./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

