

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2948 of 2019

Arising Out of PS. Case No.-62 Year-2017 Thana- SC/ST District- Nalanda

1. SHERA @ SHERU MAHTO @ SANTOSH KUMAR Son of Rajendra Mahto Resident of Mohalla - Ramchandrapur, P.S.- Laheri, Distt.- Nalanda.
2. Rajendra Mahto @ Rajendra Prasad Son of Late Fullchand Mahto Resident of Mohalla - Ramchandrapur, P.S.- Laheri, Distt - Nalanda.
3. Satish Mahto @ Satish Kumar Son of Rajendra Mahto Resident of Mohalla - Ramchandrapur, P.S.- Laheri, Distt - Nalanda.
4. Krishna Prasad @ Krishna Ram Son of Late Surju Ram Resident of Mohalla - Sakraul, P.S.- Deepnagar, Distt - Nalanda.
5. Manoj Kumar Son of Krishna Prasad @ Krishna Ram Resident of Mohalla - Sakraul, P.S.- Deepnagar, Distt - Nalanda.
6. Anuj Kumar Son of Krishna Prasad @ Krishna Ram Resident of Mohalla - Sakraul, P.S.- Deepnagar, Distt - Nalanda.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Bhushan

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 16-09-2019 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 18.06.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Bihar Sharif in connection with



SC/ST P.S. Case No.62 of 2017 registered under Sections 341, 323, 504, 506 of the Indian Penal Code and Section 3(1) (r) (w) (x) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the informant in the name of caste and assaulted him by means of leg and fist and snatched his mobile phone and sliver chain over fencing the land of Karu Mahto by the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. As a matter of fact, there is land dispute with the Karu Mahto and appellant no.2- Rajendra Mahto has lodged Laheri P.S. Case No.241 of 2016 against the said Karu Mahto and after investigation of the case the police has submitted the chargesheet against several persons including the informant and the said Karu Mahto. The said Karu Mahto has lodged this false and frivolous case against the appellants through the informant. The said Karu Mahto is one of the witnesses in the case under hand. After investigation of the case, the police has submitted final form finding no evidence against the appellants. The allegation levelled against the appellants is not specific rather general and



omnibus in nature. 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 1st Additional Sessions Judge, Nalanda at Bihar Sharif in connection with SC/ST P.S. Case No.62 of 2017, 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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