

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2989 of 2019

Arising Out of PS. Case No.-293 Year-2019 Thana- JAHANABAD District- Jehanabad

1. MAHENDRA MAHTO Son of Late Gaya Mahto Resident of Village-Seonan, Police Station- Jehanabad, District- Jehanabad.
2. Satyendra Mahto Son of Mahendra Mahto Resident of Village-Seonan, Police Station-Jehanabad, District-Jehanabad.
3. Jitendra Mahto Son of Mahendra Mahto Resident of Village-Seonan, Police Station-Jehanabad, District-Jehanabad.
4. Sanjay Mahto Son of Mahendra Mahto Resident of Village-Seonan, Police Station-Jehanabad, District-Jehanabad.
5. Ragho Mahto Son of Late Balmiki Mahto Resident of Village-Seonan, Police Station-Jehanabad, District-Jehanabad.
6. Hardeo Mahto Son of Late Lila Mahto Resident of Village-Seonan, Police Station-Jehanabad, District-Jehanabad.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anish Kumar
		Mr. Rajnish Kumar
For the Respondent/s	:	Mrs. Usha Kumari No.1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 29-08-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 22.06.2019 passed by learned 1st Addl. Sessions Judge, Jehanabad in Jehanabad (O.P. Karauna) P.S. Case No. 293 of 2019 registered under Sections 341, 323, 324 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.



On learning about felling of his wheat crops by the appellants, while the informant arrived at his field and made protest, appellants slated him and his brother in the name of their caste and on exhortation of Mahendra Mahto, Satyendra Mahto assaulted him by means of rod.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Mahendra Mahto has lodged Jehanabad (O.P. Karauna) P.S. Case No. 192 of 2019 against the informant and others and in retaliation of the aforesaid case informant has lodged this false and frivolous case against the appellants. There is land dispute between the parties and a proceeding under Section 144 Cr.P.C. is pending between them. Aforesaid land is in possession of the appellant Mahendra Mahto. The allegation of slating levelled against the appellants is not specific rather general and omnibus in nature. There is no injury report on the record. Appellants have no criminal antecedent.

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

Having regard to 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 the learned 1st Addl. Sessions Judge, Jehanabad in connection with Jehanabad (O.P. Karauna) P.S. Case No. 293 of 2019, 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)

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