

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3192 of 2019

Arising Out of PS. Case No.-199 Year-2018 Thana- JALALPUR District- Saran

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1. Deo Narayan Mahto @ Deo Narayan Prasad Son of Late Sakal Mahto Resident of Village - G.S. Bangra, P.S.- Jalalpur, District- Saran
 2. Meena Devi Wife of Deo Narayan Mahto @ Deo Narayan Prasad Resident of Village - G.S. Bangra, P.S.- Jalalpur, District- Saran
 3. Ramesh Mahto @ Ramesh Kr. Singh Son of Deo Narayan Mahto @ Deo Narayan Prasad Resident of Village - G.S. Bangra, P.S.- Jalalpur, District- Saran
 4. Umesh Mahto @ Umesh Singh Son of Deo Narayan Mahto @ Deo Narayan Prasad Resident of Village - G.S. Bangra, P.S.- Jalalpur, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Binode Bariar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 15-10-2019 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 26.03.2019 passed by learned 1st Addl. Sessions Judge, Saran at Chapra in Jalalpur P.S. Case No. 199 of 2018 registered under Sections 323, 341, 379, 365, 366 of the Indian Penal Code and Section 3(1) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Vinita Kumari is said to have taken away son of the informant along with ornaments worth Rs. 2 lac in collusion of the appellants, and on learning the said occurrence, when the informant called the appellants at her door and made complain, they slapped and fisted her and slated her in the name of her caste. Appellant Deo Narayan Mahto also stripped off her attire.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the son of the informant has kidnapped the daughter of the appellant no. 2. Regarding the said occurrence, appellant no. 2 has lodged Isuapur P.S. Case No. 112 of 2018 against the son of the informant and others and in order to save skin from the said case, informant has lodged this false and frivolous case after inordinate delay of one month three days without assigning any plausible explanation for the said delay. Moreover, there is no allegation of theft or kidnapping against the appellants. So far as the slating the informant in the name of her caste is concerned, the said slating is said to have been made at the house of the informant and not in the public view and the aforesaid allegation 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, 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, Saran at Chapra in Jalalpur P.S. Case No. 199 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)

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