

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3209 of 2019

Arising Out of PS. Case No.-10 Year-2018 Thana- SC/ST District- Patna

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1. Rajani Mahto @ Rajan Mahto Son of Shri Kesho Mahto @ Keshav Mahto
Resident of Bind Toli, Rampur Diyara, P.S.- Maner, District- Patna.
 2. Basudeo Mahto @ Basu Mahto Son of Shri Kesho Mahto @ Keshav Mahto
Resident of Bind Toli, Rampur Diyara, P.S.- Maner, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamlesh Kumar Sharma
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 05-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 17.07.2019 passed by learned Addl. District & Sessions
Judge-XIII-cum-Special Judge, SC/ST Act, Patna in SC/ST P.S.
Case No. 10 of 2018 registered under Sections 147, 148, 149,
341, 323, 307, 379, 504, 506 of the Indian Penal Code and
Section 3(1)(r)/3(2)(va) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

On protest made by the informant over vending



illicit liquor on the Boat by the informant, appellant Rajani Mahto and two other named accused persons slated him in the name of his caste. In the meantime, Kesho Mahto called his man and all the accused persons including the appellants intercepting him on the way started assaulting him. Ganauri Mahto assaulted on his head and they were taking him to the field to eliminate him by wrapping *Gamacha* on his neck and appellant Basudeo Mahto snatched his golden chain.

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. They have been falsely implicated in this case due to dirty village politics. There is no allegation of assault against the appellants and other allegation levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. Parties have entered into compromise in the case. Appellants have no criminal antecedent and have been languishing in custody since 10.07.2019.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail 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 Addl. District & Sessions Judge-XIII-cum-Special Judge, SC/ST Act, Patna in connection with SC/ST P.S. Case No. 10 of 2018.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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