

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3321 of 2019

Arising Out of PS. Case No.-888 Year-2018 Thana- AGAMKUAN District- Patna

KASHI MAHTO Son of Late Ram Saroop Mahto Resident of Bhootnath Road MIG Block 10 Sector 3, Room No. Flat No.427, P.S.- Agamkuan, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 13-08-2019 Heard learned counsel for the appellant 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 26.04.2019 passed by learned Addl. Sessions Judge-VIII cum Special Judge, SC/ST Act, Patna in Special Case No. 592 of 2018 arising out of Agamkuan P.S. Case No. 888 of 2018 registered under Sections 341, 323, 354, 379, 447 and 509/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

Appellant along with four other accused persons are said to have slated the informant in the name of her caste and assaulted her intruding into her house. When the son of the informant rushed in her rescue, they also assaulted him.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to animosity. There is case and counter case between the parties. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No one sustained any injury in the occurrence. Slating the informant in the name of her caste is said to have been made inside her house and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent. Similarly situated co-accused namely Rajiv Kumar has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.03.2019 passed in Cr. Appeal (SJ) No. 386 of 2019.

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 appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VIII cum Special Judge, SC/ST Act, Patna in connection



with Special Case No. 592 of 2018 arising out of Agamkuan P.S.
Case No. 888 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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