

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3426 of 2019**

Arising Out of PS. Case No.-251 Year-2019 Thana- ISLAMPUR District- Nalanda

1. AWADHESH MAHTO S/o Late Ragho Mahto Resident of Village-Suhavanpur Sudhi, P.S.- Islampur, District- Nalanda.
2. Rahul Kumar @ Peni Kumar S/o Awadhesh Mahto Resident of Village-Suhavanpur Sudhi, P.S.- Islampur, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

5 27-11-2019 Heard the learned counsel for the appellants and

the State.

The appellants have challenged the order dated 19.07.2019 passed by the 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with A.B.P. No. 1731 of 2019, arising out of Islampur P. S. Case No. 251 of 2019, whereby he prayer for anticipatory bail of the appellants has been rejected.

From the accusation levelled in the F.I.R., it appears that a case has been made out under Section 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

The defence of the appellants that this case arises out of counter case which was lodged by the defence side, cannot be taken into account at this stage. The injuries found on the person of Chhote Paswan, though simple in nature, reflects that an occurrence had taken place. There was an attempt to subject the female members of the house also to harassment and ill-treatment.

Considering the aforesaid facts, I am not inclined to allow this appeal.

The appeal is rejected.

However, if the appellants surrender before the court below and seek bail, the court below shall take into account all necessary facts and shall pass orders in accordance with law, without being prejudiced with the fact that the present appeal has not been entertained by this Court.

(Ashutosh Kumar, J)

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