

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3554 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. Bacha Mahto @ Bachcha Mahato Son of Late Lakhan Mahto Resident of Village - Vishunpura Kothi, P.S. - Sidhwalia, District - Gopalganj.
2. Ramdeni Mahto Son of Late Lakhan Mahto Resident of Village - Vishunpura Kothi, P.S. - Sidhwalia, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Pandey

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 01-10-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 19.07.2019 passed by learned 1st Additional Sessions Judge, Gopalganj in connection with Sidhwalia P.S. Case No. 124 of 2019, registered under Sections 341, 342, 323. 325, 504, 506 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant Bacha Mahto took the informant at his house and tying with tree, both the appellants assaulted him by means of lathi and slated in the name of caste. When his brother and son rushed in his rescue they also assaulted them slating them in the name of their caste.

It is submitted by the learned counsel for the appellants they have no concern with the aforesaid occurrence. As a matter of fact, daughter of the informant namely Rupa Kumari has stolen cash of Rs. 29,000/- and mobile of the appellants and appellants organized the Panchayati for the same when they approached the informant to take him to panchayati he falsely implicated the appellants in this case. None has sustained injury in the occurrence. Slating the informant and others is said to have been made at the house of the appellant and not in a public view, hence, no offence under SC/ST Act is made out against the appellants. Appellant No. 1 and appellant No. 2 have been languishing in custody since 13.07.2019 and 30.06.2019 respectively. They have no criminal antecedent.

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

In the facts and circumstances of the case, the above



named appellant are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District & Sessions Judge, Gopalganj, in connection with Sidhwalia P.S. Case No. 124 of 2019.

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

(Prakash Chandra Jaiswal, J)

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