

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3626 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- BALIYA District- Begusarai

Sunny Mahton, Son of Neti Mahton Resident of Village- Chhoti Baliya,
Mathurapur, P.S.- Baliya, District- Begusarai.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai
For the Respondent/s : Mrs. Usha Kumari I

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

ORAL ORDER

2 30-08-2019 Heard learned counsel for the appellant 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 26.07.2019 passed by learned Special Judge SC/ST (POA), Begusarai in connection with Balia P.S. Case No. 153 of 2019 registered under Sections 323, 325, 385, 379, 427 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with one named accused and three unknown miscreants descended at the door of the informant and



Chandan Mahto demanded extortion money of Rs.3 lakhs under threat of dire consequence and on venting his inability to cough up his demand, appellant resorted firing upon the informant but he left unhurt. However, they left the scene on arrival of the villagers. Subsequently, at the night, while the informant was proceeding to market to fetch biscuit appellant and Chandan Mahto complained him about not giving the extortion money and appellant assaulted on his head by means of rod but he intervened the assault and sustained fracture injury in his left hand. Both the accused persons damaged his motorcycle.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. As a matter of fact, Chandan Mahto was driver of the informant and, later on, he left his job due to non-payment of the wages. When the appellant requested the informant to pay the arrears of wages to the Chandan Mahto as well wisher of the Chandan Mahto informant has falsely implicated the appellant in the case. None has sustained any firearm injury. The injury sustained by the informant is on the hand i.e. non vital part. There is no specific allegation of demanding extortion by the appellant. Appellant has no criminal antecedent and has been



languishing in custody since 26.07.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA), Begusarai in connection with Balia P.S. Case No. 153 of 2019.

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

(Prakash Chandra Jaiswal, J)

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