

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3816 of 2019**

Arising Out of PS. Case No.-247 Year-2018 Thana- SIKANDRA District- Jamui

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1. RAM PRAVESH MAHTO Son of Late Sukan Mahto Resident of Village - Mahamadpur, P.S.- Sikandra, Distt - Jamui.
 2. Dinesh Mahto @ Dinesh Kumar Son of Umesh Mahto Resident of Village - Mahamadpur, P.S.- Sikandra, Distt - Jamui.
 3. Narsh Mahto Son of Late Sukan Mahto Resident of Village - Mahamadpur, P.S.- Sikandra, Distt - Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Narsingh Tanti
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 22-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 24.04.2019 passed by learned 1st Addl. Sessions Judge, Jamui in Sikandra P.S. Case No. 247 of 2018 registered under Sections 323, 341, 307 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants arriving near the palm tree of the informant started slating her in the name of her caste and asked her to fell the palm tree and on asking them to come after arrival



of her husband, they assaulted her by means of lathi and rod inflicting head injury to her and left the scene extending threatening.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, palm tree of the informant is located adjacent to the house of the appellants and leaves, fruits, branches, etc. of the said tree falls on the roof of the appellants making the roof dirty and on asking the informant to fell the tree, some altercation took place between them and during that course informant fell down on the ground and sustained injury. Injury sustained by the informant is simple in nature caused by hard and blunt substance. There is no allegation of slating the informant in the specific name of her caste against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of 4 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.

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 appellants, be released on bail, in the



event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Jamui in connection with Sikandra P.S. Case No. 247 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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