

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3829 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- BIRUPUR SAHAYAK District-
Lakhisarai

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1. BIJAY MAHTO Son of Late Ramkhelawan Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 2. Pramod Mahto Son of Surendra Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 3. Pradeep Mahto Son of Surendra Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 4. Neeraj Mahto Son of Surendra Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 5. Dheeraj Mahto Son of Surendra Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 6. Suraj Mahto Son of Kishori Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 7. Suraj Mahto Son of Bijay Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 8. Satish Mahto Son of Kishorei Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 9. Sanjay Mahto Son of Sundar Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 10. Hazari Mahto Son of Late Chamru Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 11. Ram Pravesh Mahto @ Ram Prakash Mahto Son of Late Radha Raman Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 12. Satish Mahto Son of Late Sitaram Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 13. Nitish Mahto Son of Sahdeo Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 14. Balmiki Mahto Son of Haricharan Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 15. Manoj Mahto Son of Sundar Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 16. Mithilesh Mahto Son of Sukhdeo Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 17. Ram Briksha Mahto Son of Deonath Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 18. Chunchun Mahto Son of Baleshwar Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
 19. Deepak Mahto Son of Ramnandan Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.



20. Ram Nandan Mahto Son of Narain Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
21. Nandlal Mahto Son of Laxman Mahto @ Kailu Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
22. Jitendra Kumar Son of Bijay Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
23. Rabindra Kumar Son of Ramjatan Mahto Resident of Village-Sarora, P.S.-Birupur, District-Lakhisarai.
24. Raj Kumar Mahto Son of Late Jamuna Mahto Resident of Village-Sijabalpur, P.S.-Korma, District-Sheikhpura.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ganesh Sharma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-09-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Lakhisarai in connection with Birupur P.S. Case No.31 of 2019, SC/ST No.37 of 2019 registered under Sections 147, 149, 323, 354 & 504 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant along with others had gone to Maharani temple to offer worship before departure of barat, appellants and 10-15 miscreants started slating them and on forbading them, they assaulted them by means of stone and lathi making five persons injured.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. None has sustained injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant and others in the name of their caste. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional



Sessions Judge cum Special Judge, Lakhisarai in connection with Birupur P.S. Case No.31 of 2019, SC/ST Case No.37 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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