

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4005 of 2019**

Arising Out of PS. Case No.-161 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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DOMI MAHTO @ DOMI MAHTON

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mirityunjay Kumar
For the State : Mrs. Usha Kumar, Spl. P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-11-2019 Heard learned counsel for the appellant and learned

Additional Public Prosecutor for the State. Learned counsel for

the informant is also present.

The appellant is in custody since 07.05.2019.

This is an appeal under Section 14(A)(2) of the SC/ST
(POA) Act against the refusal of prayer for regular bail vide
order dated 15.07.2019 passed in A.B.P. No. 1985/19 by the
learned Special Judge, SC/ST (POA), Begusarai, in connection
with Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 161 of
2019 registered for the offence punishable under Sections
147/148/149/341/323/324/307/302/504/506 of the Indian Penal
Code and Section 27 of the Arms Act and Sections 3(r)(s), 3(2)
(v) and of the SC/ST (Prevention of Atrocity) Act.

Learned counsel for the Appellant submits that there



is glaring discrepancy in the allegation made in the FIR and also the statement made by the injured Ram Naresh during the course of investigation and, therefore, the case of the appellant may be considered for grant of bail. He further submits that though in the FIR it is stated that Domi Mahto had attacked Ram Naresh, subsequently, Narseh Mahto himself has stated that he had been attacked by Amit Kumar @ Baugha Mahto. He thus submits that in view of the contradiction, the appellant's bail may be considered.

Learned counsel for the informant, however, submits that there is a clear allegation against the present appellant Domi Mahto of having attacked the informant Jai Prakash and his statements in the FIR stands retracted by his own statement in paragraph No. 16 of the case diary. Learned counsel for the informant further submits that even if it is considered that the appellant had not attacked Naresh Mahto, there is a clear specific allegation against the appellant of having attacked the informant and the injury report substantiates the same. It is further submitted that the injuries purported to have been caused by the appellant have been found to be grievous in nature.

Case Diary in the present case has been called for which has since been received.



Learned counsel for the State after considering the paragraphs No. 16 and 17 of the case diary submits that there is clear allegation against the present appellant and, therefore, he is not entitled to the privilege of bail.

In view of the aforementioned facts and circumstances of the case and what has been narrated, I am not inclined to grant bail to this appellant.

It is accordingly rejected.

Trial to be expedited within a period of six months from the date of receipt/production of a copy of this order.

The appeal stands consigned.

(Anjana Mishra, J)

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