

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4397 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- MAHILA P.S. District- Sheikhpura

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UMA SHANKAR MAHTO @ UMASHANKAR PRASAD Son of Late Shiv
Mahto Resident of Village - Mahanandpur, P.S.- Shekhopur Sarai, Distt -
Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binit Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 19-11-2019 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 of anticipatory bail
vide order dated 04.09.2019 passed by learned 1st Additional
Sessions Judge, Sheikhpura in connection with Sheikhpura
(Mahila) P.S. Case No. 47/2019 registered under Sections 341,
323, 354(B), 504, 506/34 of the Indian Penal Code and Section
3(1) (V) (S) (W) (1), 3(2)Va of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

While the informant had gone to the house of the



appellant for carrying brick bats, son of the appellant namely Sonu Kumar teased her and tried to dragged her in his room but she was saved by her brothers arriving there responding hulla made by her. On giving information to her family members, when her family members went to the house of the appellant to give warning to Sonu Kumar, said Sonu Kumar and the appellant slating them in the name of their caste made them to leave the house extending threatening of dire consequences.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happens to be the father of Sonu Kumar. Said Sonu Kumar is in custody. Allegation of slating the family members of the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is delay of two days in lodging the case without assigning any plausible explanation for the said delay. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional Sessions Judge, Sheikhpura in connection with Sheikhpura (Mahila) P.S. Case No. 47/2019, POCSO P.S. Case No.32/2019 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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