

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4318 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Guddu Mahto Son of Binde Mahto @ Binde Singh, Resident of Village -
Ashiya Chiraila, P.S.- Gaighat, Distt - Muzaffarpur.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr.Amit Kumar Rakesh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-11-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 19.08.2019 passed in A.B.P. No. 2244 of 2019 arising out of Gaighat P.S. Case No. 109 of 2019 registered under Sections 323, 324, 307, 341, 342, 504, 506/34 of the Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Special Judge, SC/ST, Muzaffarpur.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to village politics and provisions of SC/ST Act does not apply to



the appellant. There is no allegation that this appellant had either abused or otherwise threatened the informant taking his caste name and that in the FIR there is no specific allegation that this appellant had given the knife blow. Learned counsel further submits that the bike has not been recovered from the possession of the appellant and no injury has been caused at the hand of the appellant.

Learned Spl.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, whereunder there is no allegation that this appellant had either abused or otherwise threatened the informant taking his caste name and that in the FIR there is no specific allegation that this appellant had given the knife blow and further from the injury report it appears that the doctor has simply stated it to be stitched wound of size 3 cm at occipital scalp which is simple in nature, the impugned order dated 19.08.2019 passed in A.B.P. No. 2244 of 2019 by learned Special Judge SC/ST, Muzaffarpur is hereby set aside, in the event of his arrest or surrender within a period of four weeks from today, let the appellant above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Muzaffarpur in



connection with Gaighat P.S. case No. 109 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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