

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4421 of 2019

Arising Out of PS. Case No.-318 Year-2018 Thana- TARAIYA District- Saran

Mukesh Mahto Son of Late Harishankar Mahto @ Shankar Mahto Resident
of Village- Galimapur, P.S.- Taraiya, District - Saran at Chapra.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 18-10-2019 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 11.09.2019 passed by learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Taraiya P.S. Case No.318 of 2018 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with other named accused persons are said to have slated the informant descending at his shop and



on protest made by him, appellant slated him in the name of his caste and assaulted him on his head inflicting head injury to him. While other accused persons assaulted him by means of slaps and fists.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. The appellant has been falsely implicated in the case merely because the wife of appellant, namely Kiran Devi has lodged a case against the informant and others, preceding to the case under hand. The informant was examined on 16.11.2018 but opinion regarding nature of injury has not been brought on record even after passing away of eleven months. There is inordinate delay of twenty three days in lodging the F.I.R. without assigning any plausible reason for the same. Appellant has been languishing in jail custody since 26.08.2019. 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 Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Taraiya P.S. Case No.318 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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