

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4608 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- CHANAN District- Lakhisarai

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1. Kartik Mahto Son of Late Ramrup Mahto Resident of Village - Etaun, P.S.- Chanan, District- Lakhisarai
 2. Subodh Mahto Son of Sudhir Mahto Resident of Village - Etaun, P.S.- Chanan, District- Lakhisarai
 3. Chotu Kumar @ Chhotu Kumar Son of Sudhir Mahto Resident of Village - Etaun, P.S.- Chanan, District- Lakhisarai
 4. Indu Devi @ Indu Kumari Wife of Kartik Mahto Resident of Village - Etaun, P.S.- Chanan, District- Lakhisarai
 5. Pertima Kumari @ Pratima Kumari D/o - Kartik Mahto Resident of Village - Etaun, P.S.- Chanan, District- Lakhisarai
 6. Sudhir Mahto Son of Late Ayodhya Mahto Resident of Village - Etaun, P.S.- Chanan, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ganesh Sharma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-11-2019 Learned counsel for the appellants seeks permission to withdraw this appeal on behalf of the appellant no. 1 Kartik Mahto submitting that the said appellant has been apprehended during pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of the appellant no. 1.



Heard learned counsel appearing on behalf of the appellant nos. 2 to 6 and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 24.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Lakhisarai in Chanan P.S. Case No. 125 of 2019 registered under Sections 341, 323, 427, 384, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Six named accused persons along with their associates started felling paddy seedling planted on the land of Thakurbari, and on protest made by the informant, who happens to be caretaker of the said land, they slated him in the name of his caste and assaulted him and demanded extortion of Rs. 5 lacs from Mahant of Thakurbari.

It is submitted by learned counsel appearing on behalf of appellant nos. 2 to 6 that the appellants have no concern with the aforesaid occurrence. As a matter of fact, land of appellants is located adjacent to the land of Thakurbari and there is land dispute between appellant and Mahant of Thakurbari and



Mahant of Thakurbari has got this case lodged through the informant, who happens to be his own caretaker over the said land dispute against the appellants with altogether wrong and concocted allegation. Informant has not sustained injury in the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There were several persons present at the place of occurrence but, the informant has not stated in specific as to who slated him in the name of his 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, let the above named appellant nos. 2 to 6 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Lakhisarai in Chanan P.S. Case No. 125 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 in respect of appellant nos. 2 to 6 and the appeal is allowed.



(Prakash Chandra Jaiswal, J)

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