

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5293 of 2019

Arising Out of PS. Case No.-451 Year-2017 Thana- NAUTAN District- West Champaran

1. Anita Devi Wife of Sri Laxmi Mahto Resident of Village- Jagdishpur Diuliya, P.S.- Nautan (Jagdishpur), District- West Champaran.
2. Rina Devi Wife of Sri Vimal Mahto @ Bimal Mahto Resident of Village- Jagdishpur Diuliya, P.S.- Nautan (Jagdishpur), District- West Champaran.
3. Sanjhariya Devi Wife of Rajdeo Mahto Resident of Village- Jagdishpur Diuliya, P.S.- Nautan (Jagdishpur), District- West Champaran.
4. Jaiprakash Mahto Son of Late Laxman Mahto Resident of Village- Jagdishpur Diuliya, P.S.- Nautan (Jagdishpur), District- West Champaran.
5. Ajay Mahto @ Ajay Kumar Son of Laxmi Matho Resident of Village- Jagdishpur Diuliya, P.S.- Nautan (Jagdishpur), District- West Champaran.
6. Vimal Mahto Son of Late Shankar Mahto Resident of Village- Jagdishpur Diuliya, P.S.- Nautan (Jagdishpur), District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-12-2019 Heard learned counsel for the appellants and learned counsel for the State. Learned counsel for the complainant is also present.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 27.09.2019 passed by the learned Ist Additional Sessions Judge cum Special Judge, SC/ST Act, West Champaran, in A.B.P. No. 2212 of 2019, arising out of Trial No. 364 of 2018 appertaining to Nautan (Jagdishpur) P.S. Case No.



451 of 2017, registered under Sections 147, 148, 149, 341, 323, 324, 308, 354-B, 504 of the Indian Penal Code and Section 3(1)(r), 3(2)(va) of Schedule Caste/ Schedule Tribe (Prevention of Atrocities) Act 1989, whereby the prayer of anticipatory bail preferred by the appellants has been rejected.

The appellants, herein, are apprehending their arrest in connection with Trial No. 364 of 2018 arising out of Nautan (Jagdishpur) P.S. Case No. 451 of 2017.

Learned counsel for the appellants submits that the appellants 1, 2 and 3 have been falsely implicated in connection with the present case only because they are the wives of the other accused persons and they have no connection at all with the present occurrence, therefore, they may be extended the privilege of pre-arrest bail. So far as the allegation against Appellant No. 4 is concerned, as per the allegation in the FIR, Appellant No. 4, Jaiprakash Mahto, is said to have used the caste name, whereas the Appellant No. 5, Ajay Mahto, is said to have attacked the lady with intention of outraging her modesty. It is further submitted that though the allegation of assault is against Vimal Mahto, Appellant No. 6, the injuries purported to have inflicted have been found to be simple in nature. Learned counsel for the appellants further submits that there has been



compromise between the parties and the allegations under Section 354 B against Appellant No. 5 is also ornamental and has been drawn out only to humiliate and bring the entire family within the ambit of the prosecution. It is further submitted that the appellants have a clean antecedent and may be extended the privilege of anticipatory bail.

Having considered the entire facts and circumstances, it appears that entire occurrence has not taken place in public view so as to drag the provisions of the SC/ST Act. It further appears from the perusal of the narration in the FIR that there are no independent witnesses to support the prosecution story and injuries have been found to be simple in nature.

Considering the aforementioned facts and circumstances, let the appellants 1 to 6, above named, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each, with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, West Champaran, in connection with Trial No. 364 of 2018 arising out of Nautan (Jagdishpur) P.S. Case No. 451 of 2017, subject to the condition laid down under



Section 438(2) of the Code of Criminal Procedure.

With the aforesaid, the present appeal stands allowed
and consigned to records.

(Anjana Mishra, J)

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