

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5502 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SC/ST District- Sheohar

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Santosh Mahto @ Santosh, S/o Late Kishor Mahto, Resident of Village-
Madhopur Chhata, P.S.- Hirmma, District- Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amrendra Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2019 Heard learned counsel for the appellant. No one
appears on behalf of the State to oppose this application.

The appellant in the present case is challenging the order dated 20.09.2019 passed in ABP No.318/2019 by learned Additional District and Sessions Judge-1st-cum-Spl. Judge, SC and ST, Sheohar in connection with SC/ST Case No.05/2019 registered for the offences punishable under Sections 341, 323, 354, 506 and 504/34 of the Indian Penal Code and Sections 3(1)(r), 3(i)(S), 3(1)(w)(i), 3(2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. Learned counsel submits that appellant has not committed any offence as alleged in the FIR and there is no specific allegation



against him.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that though the appellant is named in the FIR, but save and except that there is no specific allegation of hurling abuse or an assault against the appellant and further that on the same day a counter case was also lodged by co-accused Indal Mahto in which he has narrated a different version of the story saying that the accused persons of the said case were trying to take possession of the land for making out a way which was objected by the informant Indal Mahto on which accused persons had assaulted him and his family as also that this appellant has no criminal antecedent, let the impugned order in so far as it relates to the appellant be set aside and in the event of his arrest or surrender within a period of four weeks from today, the appellant shall be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, Sheohar in connection with SC/ST Case No.05 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)

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