

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5497 of 2019

Arising Out of PS. Case No.-80 Year-2015 Thana- MEDNI CHAUKI District- Lakhisarai

1. MASUDAN MAHTO Son of Late Banarsi Mahto Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.
2. Kapildeo Mahto Son of Late Banarsi Mahto Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.
3. Saroj Mahto @Saroj Kumar Son of Suresh Kumar Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.
4. Naresh Mahto @ Naresh Kumar Son of Ramautar Mahto Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.
5. Aghori Mahto @ Krishnadeo Mahto @ Krishna Mahto Son of Upendra Mahto Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.
6. Kishore Mahto @ Kishore Kumar Son of Hanuman Matho Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.
7. Ashok Mahto @ Ashok Kumar Mahto Son of Late Bharat Mahto Resident of Village - Rishi Naya Tola Paharpur, P.S.- Medini Chauki, Distt - Lakhisarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-12-2019 By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities)Act, appellants seek for setting aside the order dated 25.09.2019, passed in Medini Chouki P.S. Case No. 80/2015 for the offences punishable under Sections 147, 341, 323, 379, 504 and 506 of the Indian Penal Code and



Section 3(i)(x) of SC/ST Act, by the learned 1st Additional Sessions Judge -cum-Special Judge, (SC/ST Act), Lakhisarai, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

Prosecution case is that while the informant and her daughter Priyanka Kumari was sowing maize crop, her younger daughter plucked ladies finger from the field of petitioner no. 1 and petitioner no. 2, on which, petitioner no. 1 and 2 assaulted her younger daughter and snatched her mobile phone. Further allegation is that thereafter, nephews of petitioner no. 1 came and kidnapped the nephew of the informant abused by caste name and assaulted him and on intervention of the police, he was released.

It has been submitted on behalf of the appellants that so far these appellants are concerned, only general and omnibus allegation has been attributed to them and no allegation of abusing the informant or his family members have been levelled against them rather the said allegation is against other accused persons of this case. Further submission is that there is delay of two days in lodging the F.I.R., though it is alleged that petitioner has reached the place of occurrence on



the same day and got the nephew of the informant released.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousands) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge -cum-Special Judge, (SC/ST Act), Lakhisarai, in connection with Medini Chouki P.S. Case No. 80/2015, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

(Vinod Kumar Sinha, J)

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