

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1168 of 2020**

Arising Out of PS. Case No.-559 Year-2019 Thana- GARKHA District- Saran

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Jitendra Mahto @ Jitendar Mahato Son of Arjun Mahato Resident of Village -
Pithaghat, Rampur, P.S.- Garakha, Distt - Saran at Chapra.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Dhananjay Mishra, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl PP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 01-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard the parties.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,1989 against the refusal of prayer for regular bail vide order dated 22.02.2020 passed by learned Additional Sessions Judge 1st -Cum-Special Judge SC/ST Act Saran at Chapra in Garakha P.S. case no. 559 of



2019 registered under Sections 341, 323, 436, 504/34 of the IPC and Section 3(2) (iii) of the SC & ST Act.

On 12.09.2019, the informant alleges that when his brother reached near the house of Ramesh Mahto and Jitendra Mahto (appellant) both have assaulted him and set ablaze his hut. His goat has allegedly died due to the said fire.

It is submitted by the appellant's counsel that it is a case of false implication. He has no criminal antecedents and is in custody since 17.11.2019. The two other cases pending against him, namely Garakha P.S. case no. 675 of 2019 and Complaint case no. 1789 of 2019, are subsequent cases. Prior to the instant case, there is no criminal antecedents of the appellant. It is submitted that it is a case of misuse of the provision of the SC/ST Act and that most of the offences alleged are bailable offences.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 22.02.2020 passed by the learned Additional Sessions Judge 1st -Cum-Special Judge SC/ST Act Saran at Chapra in Garakha P.S. case no. 559 of 2019 is set aside.



Let the appellant, above named, 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 Garakha P.S. case no. 559 of 2019** subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the appellant be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The appellant must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail



granted under this order shall stand cancelled and appellant liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of learned **Additional Sessions Judge 1st -Cum-Special Judge SC/ST Act Saran at Chapra, District Chapra, Saran** and the competent authority of the State in terms of clause (4) of Notice I published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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