

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1601 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- MASHRAK District- Saran

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1. SHANTI DEVI Wife of Surendra Mahto Resident of Village- Bansohi, P.S.- Mashrakh, District- Saran (Chapra).
 2. Lalti Devi Wife of Suresh Mahto Resident of Village- Bansohi, P.S.- Mashrakh, District- Saran (Chapra).
 3. Sushila Devi Wife of Vinod Mahto Resident of Village- Bansohi, P.S.- Mashrakh, District- Saran (Chapra).
 4. Suresh Mahto Son of Shankar Mahto Resident of Village- Bansohi, P.S.- Mashrakh, District- Saran (Chapra).
 5. Vinod Mahto Son of Shankar Mahto Resident of Village- Bansohi, P.S.- Mashrakh, District- Saran (Chapra).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

The present memo of appeal has been filed for setting
aside the order dated 14.05.2020 passed by learned Additional
District and Sessions Judge Ist-cum-Special Judge SC/ST, Saran
at Chapra in connection with Mashrakh P.S. Case No. 98 of
2020, registered under Sections 341, 323, 504, 506 and 353 of
the Indian Penal Code and sections 3(i)(r)(w) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleged that while he along with others was constructing Anganbari building, these appellants variously armed came there and committed *marpit* with them and also abused them by calling their caste name.

It is submitted on behalf of the appellants that appellants have been falsely implicated at the instance of Mukhiya Raj Kumari Devi. For the same occurrence, Raj Kumari Devi had earlier filed Mashrakh PS case No. 88 of 2020 under Section 188/353 IPC against appellant nos. 4 and 5. Thereafter, this false case has been lodged against these appellants by the so-called supporters of the Mukhiya. No such occurrence has ever taken place. Appellant nos. 1 and 3 have no criminal antecedent and appellant nos. 4 and 5 have one criminal antecedent bearing Masrakh PS case No. 88 of 2020 which has been filed for the same occurrence by the Mukhiya.

Considering aforesaid facts, this appeal is allowed. The impugned order dated 14.05.2020 passed by learned Additional Sessions Judge Ist-cum-Special Judge SC/ST, Saran at Chapra is set aside.

Let the appellants named above, be released on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Ist-cum-Special Judge SC/ST Act, Saran at Chapra, in connection with Mashrakh PS Case No. 98 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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