

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1611 of 2020**

Arising Out of PS. Case No.-54 Year-2020 Thana- SISWAN District- Siwan

1. MANOJ MAHTO S/o Gajadhar Mahto Resident of Village-Nayagaon, Police Station-Siswan (O.P. Chainpur), District-Siwan.
2. Ram Ekbal Mahto S/o Late Dahari Mahto Resident of Village-Nayagaon, Police Station-Siswan (O.P. Chainpur), District-Siwan.
3. Sukhdeo Mahto @ Sukdeo Mahto S/o Late Vidya Mahto Resident of Village-Nayagaon, Police Station-Siswan (O.P. Chainpur), District-Siwan.
4. Surendra Mahto S/o Late Hira Mahto Resident of Village-Nayagaon, Police Station-Siswan (O.P. Chainpur), District-Siwan.
5. Ghural Mahto @ Ghurul Mahto S/o Mangal Mahto Resident of Village-Nayagaon, Police Station-Siswan (O.P. Chainpur), District-Siwan.
6. Mohan Mahto S/o Vijadhar Mahto Resident of Village-Nayagaon, Police Station-Siswan (O.P. Chainpur), District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 22.06.2020, passed by the learned Incharge 1st Additional Sessions Judge-cum-Special Judge, Siwan in a case registered for the offence punishable under Sections 147, 341, 323, 379, 504 and 506 of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory



bail of the appellants have been rejected.

As per the prosecution case, on 03.03.2020 at about 11:00 AM while the informant was constructing his house on his land, in the meantime, all the accused persons, armed with Lathi, Danda and Iron rod, started abusing the informant by calling his caste name. It is further alleged that they also took away the materials from the site.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to earlier land dispute, for which proceeding under Section 107 of the Cr.P.C. is going on, between the parties. There is general and omnibus allegation against these appellants. It is further submitted that the falsity of the F.I.R. is apparent from the fact alone that though the occurrence is alleged to have been taken place on 03.03.2020 at 11:00 AM but the F.I.R. has been lodged after a lapse of 12 days on 15.03.2020 for which no explanation has been given. It is stated in paragraph no.3 of the bail petition that appellants have got clean antecedent.

Learned counsel for the State on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record,



this appeal is allowed and the impugned order dated 22.06.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the Court below within six weeks from today, they shall be released on anticipatory 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 1st Additional Sessions Judge-cum-Special Judge, Siwan in Siswan (Chainpur) Police Station Case No. 54 of 2020.

(Prabhat Kumar Singh, J)

Ankit/-

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