

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1807 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- SC/ST District- Muzaffarpur

1. RAJ KISHORE MAHTO S/o Late Singeshwar Mahto Resident of Village-Barkagaon, P.S.-Karja, District-Muzaffarpur.
2. Narain Mahto S/o Late Singeshwar Mahto Resident of Village-Barkagaon, P.S.-Karja, District-Muzaffarpur.
3. Sanjay Mahto S/o Late Aitwar Chand Mahto Resident of Village-Barkagaon, P.S.-Karja, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Alok

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellants and Shri Sadanand Paswan, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 04.06.2020 passed by the Special Judge (SC/ST) Act, Muzaffarpur in Anticipatory Bail Petition No. 565 of 2020 arising out of SC/ST P.S. Case No. 83 of 2019 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Caste and Scheduled Tribe



(Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The allegation is regarding the appellants herein having arrived at the house of the brother of the informant, armed with lathi and stick whereafter they are stated to have abused the brother of the informant by saying that he has become the leader of the specified caste name mentioned therein as also he is stated to have been assaulted by them.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that the entire allegation is false and though the date of occurrence is stated to be 15.12.2019 but the FIR has been lodged after 10 days only on 25.12.2019 i.e. after a great delay. It is further submitted that the wife of the informant is a ward member and on account of dispute having arisen during the course of election, the present case has been filed falsely against the appellants herein.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that



a general and omnibus allegation has been levelled against the appellants herein and moreover the appellants are alleged to have only stated that the brother of the informant is acting as a leader of the specified caste, I deem it fit and proper to direct for release of the appellants on anticipatory bail.

Accordingly, the appellants, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Muzaffarpur in connection with SC/ST P.S. Case No. 83 of 2019, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 04.06.2020 passed by the Special Judge (SC/ST) Act, Muzaffarpur in Anticipatory Bail Petition No. 565 of 2020 arising out of SC/ST P.S. Case No. 83 of 2019, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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