

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1745 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- SC/ST District- Sitamarhi

1. Anil Kumar @ Anil Mahto, aged about 52 years, Male, Son of Ram Sevak Mahto
2. Sanjila Devi, aged about 48 years, Female, Wife of Anil Mahto @ Anil Kumar
3. Niras Kumar @ Niraj Kumar, aged about 20 years, Male, Son of Anil Mahto @ Anil Kumar, all resident of Village - Jagdar, P.S.- Parihar, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Virendra Kumar, Advocate
For the State : Mrs. Usha Kumari No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2020 Heard the parties through the virtual court proceeding.

Since physical court proceeding is not functioning due to present Pandemic Covid-19, the matter is listed with defect.

Learned counsel for the appellants undertakes to remove the defect within three weeks of normal functioning of the court after the lockdown, failing which the office is directed to place the matter before the Bench.

The appeal is against the order dated 18.03.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in A.B.P. No.472 of 2020/77 of 2020, whereby the Anticipatory Bail Petition of the appellant in



connection with Sitamarhi SC/ST P.S. Case No.07 of 2020 for the offences punishable under Sections 341, 342, 323, 324, 354, 447, 504, 506/34 of the Indian Penal Code and Sections 3 (1)(r) (s)(w)(1) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case in brief started on the basis of written report of Urmila Devi, wife of Sri Devnarayan Paswan, resident of village Jagdar, P.S. Parihar, District Sitamarhi given before S.H.O. of Sitamarhi SC/ST Police Station on 15.02.2020 at about 14.00 P.M., alleging inter – alia that on 10.02.2020 at about 8.30 P.M. while the informant was at her house, in the meantime, 1. Anil Mahto, son of Ram Sevak Mahto, 2. Sanjila Devi, wife of Anil Mahto and 3. Niraj Kumar, son of Anil Mahto, all resident of village- Jagdar, P.S. Parihar, District- Sitamarhi came with common consent and told with abusing language ‘SAVI SALA DUSADWA KA MAN BADH GAYA HAI’ whereupon informant asked what is happened, then they disclosed that her son has sold wheat taking from his house. Thereafter, they locked the Devnarayan Paswan husband of informant in their house and began to assault. On information by villager Fekan Mahto, informant went to rescue her husband then they also assaulted to informant and done her necked after



opining her wearing clothe and abused her taking her cast name saying Harijan, villagers came and intervened, when Fekan Mahto, son of Bindeshwar Mahto and Rambhu Mahto, son of Rajendra Mahto came to rescue informant's husband then Fekan Mahto received cut injury by Dabiya. They started brick batting from their roof on account of which Lal Babu Mahto received fracture injury on his head, others villagers also received injury. Thereafter panchayti organized in village but Anil Mahto could not obeying panchayti, in which videography recording of Sanjila Devi is keeping by informant.

Learned counsel for the appellants submits that the appellants are quite innocent committed no offence and have falsely been implicated by the informant. Learned counsel for the appellants further submits that the occurrence took place on 10.02.2020 at about 8.30 hours and F.I.R. was lodged on 15.02.2020 at about 14.00 hours and same has received before court concern on 17.02.2020. There is no explanation for the delay of F.I.R. Learned counsel for the appellants further submits that there is general and omnibus allegation against the appellants. Earlier, the appellants have filed a case against the informant as Parihar P.S. Case No.26 of 2020, which is annexed as Annexure-2 to the present bail application. Thereafter, the



informant has filed the present case against the appellants. There is no specific allegation against the appellants.

It is a fact that the occurrence took place on 10.02.2020 and F.I.R. was lodged on 15.02.2020.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No.07 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 18.03.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

