

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1558 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- SC/ST District- Saran

1. KRISHNA MAHTO Son of Late Chandeshwar Mahto Resident of Village-Bishnunpura, P.S.- Jalalpur, District- Saran at Chapra.
2. Jai Prakash Mahto Son of Late Chandeshwar Mahto Resident of Village-Bishnunpura, P.S.- Jalalpur, District- Saran at Chapra.
3. Munmun Mahto Son of Late Chandeshwar Mahto Resident of Village-Bishnunpura, P.S.- Jalalpur, District- Saran at Chapra.
4. Kedar Mahto Son of Late Chandeshwar Mahto Resident of Village-Bishnunpura, P.S.- Jalalpur, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with SC/ST P.S. Case No. 10 of 2020



registered for the offences under Sections 341, 323, 376, 511 of the Indian Penal Code and Sections 3(i)(r)(w) of the SC/ST (POA) Act.

Allegedly, in course of going to attend the call of nature, the appellants took the informant in the garden and started abusing. It is further alleged that the appellants caught hold her hands and called her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The date of occurrence is 16-10-2019 and the complaint case was filed on 17-12-2019. The delay in filing the complaint has not been explained by the prosecution. On the basis of complaint petition, FIR was instituted under Section 156(3) Cr.P.C. After investigation, the police found the case false for the offence under Sections 376/511 of the Indian Penal Code. The alleged occurrence has not taken place at a public place. Hence, no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.



In view of the aforesaid facts and circumstances, the order dated 01-07-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in Saran SC/ST P.S. Case No. 10 of 2020 is set aside. The present Criminal Appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Saran SC/ST P.S. Case No. 10 of 2020.

(Sudhir Singh, J)

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