

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1915 of 2020

Arising Out of PS. Case No.-203 Year-2017 Thana- ATHMALGOLA District- Patna

Rajo Mahto@ Rajo Ram Son of Late Ramchandra Mahto @ Late Ramcharan Ram @ Ramchandra Prasad Resident of Village - Saristapur, P.S.- Athmalgola, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Kashyap

For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2020 Heard learned counsel for the appellant and learned Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 04-06-2018 passed by learned A.D.J.-V cum Special Judge, SC/ST Act, Patna in Special Case No. 665 of 2017 (arising out of Athmalgola P.S. Case No. 203 of 2017) registered for the offence punishable under Sections 341, 323, 324, 506/34 of the Indian Penal Code and Section 3(i)(w) of SC/ST Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 24-08-2017 at 6:00 AM, while the informant was putting her fire wood on the public land, all the FIR named accused persons including this appellant removed the same and on protest, they assaulted her.

It is submitted on behalf of appellant that there is general and omnibus allegation of assault due to dispute relating



to putting the fire-wood from the public land. There is case and counter case. Similarly situated co-accused have already been granted anticipatory bail by this Court, vide order dated 10-04-2018 passed in Cr.Appeal (SJ) No. 1008 of 2018 (Annexure – 3). The appellant has no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 04-06-2018 passed by learned A.D.J.-V cum Special Judge, SC/ST Act, Patna in Special Case No. 665 of 2017 (arising out of Athmalgola P.S. Case No. 203 of 2017) is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-V cum Special Judge, SC/ST Act, Patna in connection with Special Case No. 665 of 2017 (arising out of Athmalgola P.S. Case No. 203 of 2017).

(Prabhat Kumar Singh, J.)

anay/-

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

