

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4435 of 2019**

Arising Out of PS. Case No.-77 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

DEEPAK MAHATO, aged 20 years (Male), Son of Anil Mahto, Resident of
Village - Pipra, P.S.- Baikunthpur, Distt.- Gopalganj.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant : Mr.Naresh Chandra Verma, Advocate.
For the Respondent : Mr.Usha Kumari No. 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

5 06-10-2020 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.

Re. I.A. No. 01 of 2019:

The aforesaid Interlocutory Application has been filed
on behalf of the appellant for condonation of delay of 27 days in
filing the present Cr. Appeal (SJ) No. 4435 of 2019.

On the grounds mentioned in the Interlocutory
Application, the delay in filing the present Cr. Appeal (SJ) No.
4435 of 2019 is condoned.

Accordingly, I.A. No. 01 of 2019 is allowed.

Re. Cr. Appeal (SJ) No. 4435 of 2019.

A supplementary affidavit has also been filed on



behalf of the appellant for seeking necessary correction in paragraph no. 1 of the main Cr. Appeal (SJ) No. 4435 of 2019. The same may be kept on the record.

Learned counsel for the appellant is granted permission to make necessary correction in paragraph no. 1 of the main Cr. Appeal (SJ) No. 4435 of 2019 in light of the supplementary affidavit filed on behalf of the appellant.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Baikunthpur P.S. Case No. 77 of 2019, registered for the offences under Sections 341, 323, 504, 506/34 of the I.P.C. and Sections 3(i)(r)(w)(s) of the SC/ST (P.O.A.) Act.

The prosecution case, in short, is that all the F.I.R. named accused persons used to send filthy message on the mobile of the informant's mother having Mobile No. 9931477188. On the alleged date and time of occurrence, she alongwith her mother went to ask about the said message from Tarkeshwar Mahato, he began hurling filthy languages and also abused her calling her caste name and threatened her. In the meanwhile, the members of her family also arrived there, then all the accused persons began assaulting them and the informant



pacified her mother from the quarrel, then Tarkeshwar Mahato inflicted dagger upon her to do away her life which she saved from her right hand causing cut injury in her two fingers and she fell down there in unconscious position. It is alleged that the accused persons want to outrage her modesty.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellant. General and omnibus allegation has been made against him. No specific overtact is alleged against him. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 31.05.2019, passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Gopalganj, in A.B.P. No. 881 of 2019, arising out of Baikunthpur P.S. Case No. 77 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event



of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj, in connection with Baikunthpur P.S. Case No. 77 of 2019.

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(Sudhir Singh, J)

