

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 5179 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- SARAI RANJAN District- Samastipur

1. RAM KUMAR MAHTO Son of Late Sone Lal Mahto Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
2. Bhola Mahto @ Bhola Prasad Son of Late Shiv Narayan Mahto Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
3. Bajrangi Mahto @ Bajrangi Prasad Singh @ Lala Mahto @ Bajrangi Prasad Son of Late Sone Lal Mahto Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
4. Ram Sudin Mahto @ Ram Sudin Singh Son of Late Ram Lochan Mahto Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
5. Shankar Thakur Son of Late Ram Narayan Thakur Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
6. Mahesh Thakur Son of Chhanu Thakur Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
7. Rajnish Kumar @ Bablu Son of Bhola Mahto @ Bhola Prasad Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
8. Ramesh Prasad Singh @ Sunil Kumar Mahto Son of Bajrangi Prasad Singh @ Bajrangi Prasad Mahto @ Lala Mahto Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar
9. Prince Kumar Son of Vinod Mahto Resident of Village - Surmar Meyari, P.S.- Sarai Ranjan, District- Samastipur, Bihar

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Kumar Kaushik, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 01-10-2020 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

At the outset it is submitted by learned counsel for the
appellants that during pendency of this appeal, the appellant



nos. 2 and 4 have been arrested and, as such, he does not want to press this appeal so far as the two appellants are concerned.

In view of the above, the appeal so far as appellant no. 2 namely Bhola Mahto @ Bhola Prasad and appellant no. 4 namely Ram Sudin Mahto @ Ram Sudin Singh is concerned, stands dismissed as withdrawn.

The instant appeal has been preferred by appellants nos. 1, 3 and 5 to 9 against the order dated 1.10.2019 passed in ABP No. 2397 of 2019 by the learned Additional Sessions Judge-I, Samastipur, whereby, the prayer for anticipatory bail of the appellants was rejected.

The appellants alongwith others were made accused in Sarai Ranjan P.S. Case No. 91 of 2018 registered under Sections 354A, 354B, 379, 323, 341, 147, 448 and 506 of the Indian Penal Code and sections 3(1)(r) and 3(1)(s) of the SC and the ST (Prevention of Atrocities) Act.

As per allegation in the FIR, the informant, who happens to be a Harijan, was physically assaulted by the accused persons including the appellants herein.

Case diary called for in the case, has been received.

It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in the case for



oblique reasons which would be evident from the facts stated hereinbelow as also from the documents brought on record. Referring to the FIR, it is submitted that although the occurrence is alleged to have taken place on 26.6.2018 at 12.30 p.m. at a distance of only 5 km. from the police station but for no reason whatsoever, the FIR was registered on 28.6.2018 and the same reached the Court and was perused by the learned Special Judge after much delay on 4.7.2018. Further learned counsel for the appellants has taken the Court through Annexures-2, 3 and 4 and submits that it is with oblique purpose that the informant, who is a member of the ward in the Panchayat, has suppressed this fact in the FIR. Further she has been making complaint against the appellant no. 1, who is the Mukhiya on 2.6.2018 over the construction of PCC road and for which an enquiry was also ordered by the concerned Block Development Officer on 21.6.2018. It is submitted that no occurrence whatsoever has taken place and it is a result of political rivalry which is borne out from the documents brought on record that the appellants have been falsely implicated.

The appeal is opposed by learned Special Public Prosecutor for the State.

Having heard learned counsel for the parties and



taking into consideration the submissions made on behalf of the appellants together with the documents brought on record, in the opinion of the Court, the appeal is fit to be allowed. The order dated 1.10.2019 passed in ABP No. 2397 of 2019 by the learned Additional Sessions Judge-I, Samastipur is set aside.

The appeal is allowed.

This Court is inclined to enlarge the appellant nos. 1, 3, 5, 6, 7, 8 and 9 on bail. They are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Sarai Ranjan P.S. Case no. 91 of 2018, they will be enlarged on bail on each of them furnishing bail bond of Rs.10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Samastipur.

(Partha Sarthy, J)

sushma/-

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

