

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5175 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- BEN P.S. District- Nalanda

=====

GORELAL @ SANJEEV PRASAD S/o Rajendra Mahto R/o village- Chhoti
Aant, P.S.- Ben, District- Nalanda Appellant/s

Versus

The State of Bihar Respondent/s

=====

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5175 of 2019)

For the Appellant/s : Mr.Amit Kumar, Adv

For the Respondent/s : Mr.Sadanand Paswan, Spl PP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

7 06-11-2020 Heard learned counsel for the appellants and
learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellants against the order dated 21.9.2019 passed by the learned Special Judge, Nalanda at Bihar Sharif whereby the prayer for bail of the appellants in connection with Ben P.S. Case no. 85 of 2019 registered under sections 302, 147, 149 and 341 of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(va) of the SC & ST (POA) Act was rejected.

As per allegation in the FIR, the accused persons including one Ravi Mahto as also these appellants are stated to have assaulted the father of the informant. It is further stated that Ravi Mahto struck with butt of the pistol as a result of which the father of the informant fell down unconscious and subsequently died in course of treatment.

It is submitted by learned counsel for the appellants that so far as the appellants are concerned, there is general and omnibus allegation against them and they are only stated to be members of the mob. It is submitted that the main allegation is against Ravi Mahto. It is further



submitted that no case under SC & ST Act is made out against these appellants. Further referring to the deposition of witnesses in course of trial arising out of this FIR in case of other accused, it is submitted that a number of witnesses have turned hostile and they have not supported the prosecution case. The appellants are ready to co-operate and abide by all the conditions laid down by the Court. The appellants have no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State who submits that not only the appellants are named in the FIR but have participated in the occurrence leading to murder of the father of the informant and in any case this application for anticipatory bail is not maintainable under the SC & ST (POA) Act.

Having heard learned counsel for the parties and taking into consideration that not only the appellants are named as assailant in the FIR but a number of injuries have been found on the body of the deceased in his postmortem report, the Court is not inclined to allow the instant appeal. The appeal stands rejected. However, in case the appellants surrender within a period of eight weeks and pray for regular bail, the prayer of the appellants shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

