

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5176 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- SC/ST District- Sitamarhi

1. Ram Narayan Mahto, aged about 60 years, Male, S/o Late Lakshman Mahto, R/o village- Chakwa, Ward No. 12, P.S.- Bathnaha, District- Sitamarhi.
2. Sanjeet Mahto @ Sanjeet Kumar, aged about 34 years, Male, S/o Ram Narayan Mahto, R/o village- Chakwa, Ward No. 12, P.S.- Bathnaha, District- Sitamarhi.
3. Krishnandan Mahto @ Krishnandan Kumar @ Krishnnandan Kumar, aged about 30 years, Male, S/o Ram Narayan Mahto, R/o village- Chakwa, Ward No. 12, P.S.- Bathnaha, District- Sitamarhi.
4. Anjana Devi, aged about 42 years, Female, W/o Ram Bhagat Mahto, R/o village- Chakwa, Ward No. 12, P.S.- Bathnaha, District- Sitamarhi.
5. Sarwati Devi @ Sarsawati Devi @ Sarwati Devi, aged about 57 years, Female, W/o Ram Narayan Mahto, R/o village- Chakwa, Ward No. 12, P.S.- Bathnaha, District- Sitamarhi.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Uday Kumar, Advocate.

For the Respondent : Mrs. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 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.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Sitamarhi (SC/ST) P.S. Case No. 36/19, registered for the offences under Sections 341, 323, 324,



504, 506, 427/34 of the I.P.C. and Section 3(1)(s) of the SC/ST Act.

The prosecution case, in short, is that on 06.04.2019 at about 11.00 A.M. when the informant being the labourer was working in the house of his villager Jai Kishore Mahto, then all of a sudden, his villagers Ram Narayan Mahto, Krishna Nandan Mahto, Sanjit Mahto having Lathi and rod in their hands came there and Ram Narayan Mahto abused him by taking his caste name and on his order, Sarswati Devi and Anjana Devi assaulted with bricks, as a result of which, he sustained injuries on his left knee. He fell down on the ground. On the order of Ram Narayan Mahato, accused persons assaulted with legs and Lathi. When Birendra Kumar, Narendra Kumar and Bachhi Devi came to save him, they were also assaulted with Lathi, Iron rod and bricks, as a result of which, Narendra Kumar and Bachhi Devi sustained head injuries. Sanjit Mahto assaulted with rod to Birendra Kumar which he sustained injuries in the hands and legs. Kamlesh Mahto came and snatched rod from the hand of Sanjit Mahto. Sanjit Mahto bite in the chick of Birendra Kumar. Nearby people came and saved them and admitted the injured in the hospital.

It has been submitted on behalf of the appellants that



the appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. For a petty reason, the alleged occurrence is said to have taken place. General and omnibus allegation has been made against them. No specific overtact is alleged against them. The appellant nos. 4 and 5 are ladies. 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 appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 16.10.2019, passed by learned Special Judge, SC/ST Act, Sitamarhi in A.B.P. No. 1873 of 2019/183 of 2019, in connection with Sitamarhi SC/ST P.S. Case No. 36/19, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Sitamarhi in



connection with Sitamarhi SC/ST P.S. Case No. 36/19.

(Sudhir Singh, J)

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