

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1053 of 2021**

Arising Out of PS. Case No.-505 Year-2020 Thana- KHAGARIA District- Khagaria

SHRAWAN MAHTO S/o Prabhu Mahto Resident of Village- Balghatta, P.S.-
Gangaur, District- Khagaria.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal, Adv.
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-10-2021 Heard learned counsel for the appellants through
video conferencing.

Learned counsel for the appellants is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellants under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside
the order dated 19.12.2020 passed by learned Additional
Sessions Judge-1st, Khagaria vide Spl. A.B.A. (SC/ST) No. 36
of 2020 arising out of Khagaria (Gangaur) P.S. Case No. 505 of
2020 registered for the offences punishable under Sections 341,
307, 504, 506 of the Indian Penal Code & Section 27 of the



Arms Act and 3(1)(r) (s), 3(2)(Va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the informant, Jagnarayan Sada was plucking vegetables in his field, meanwhile, appellant came there along with one contractor. It is said that some hot discussion took place between both the parties, whereupon appellant opened fire on his relative (contractor), but the daughter of the informant, Yashoda Kumari sustained the bullet shot and got wounded. The villagers caught hold the appellant and they snatched illegal arms from his possession.

Learned counsel for the appellant has submitted that the entire allegation is false and frivolous. He has also submitted that the nature of injury is simple and caused by hard and blunt substance.

The xerox copy of the injury report has been annexed as Annexure-2 at page-17. There is an abrasion on left side of chest of Yashoda Kumari. The injury is simple in nature and caused by hard and blunt substance. The injury report shows itself that the allegation of opening fire is false. In the entire FIR, there is nothing which shows that the appellant humiliated or intimidated the informant or his daughter with malicious



feelings of caste.

In these circumstances, the appeal is allowed and the impugned order dated 19.12.2020 passed by the learned Additional Sessions Judge-1st, Khagaria is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-1st, Khagaria in connection with A.B.A.(SC/ST) No. 36 of 2020 arising out of Khagaria (Gangaur) P.S. Case No. 505 of 2020.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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