

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.137 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- CHACKMEHSI District- Samastipur

1. RAMBALI MAHTO @ RAMBALI PRASAD Son of Late Ramrup Mahto Resident of Village - Somnaha Mirjanagar, P.S.- Chakmehsi, District - Samastipur.
2. Ranjeet Kumar Son of Dukha Mahto Resident of Village - Somnaha Mirjanagar, P.S.- Chakmehsi, District - Samastipur.
3. Satyedev Mahto @ Satyadev Singh Son of Late Ramdayal Mahto Resident of Village - Somnaha Mirjanagar, P.S.- Chakmehsi, District - Samastipur.
4. Gopal Kumar Son of Late Parmeshwar Mahto Resident of Village - Somnaha Mirjanagar, P.S.- Chakmehsi, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 30-01-2021 Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 18.11.2019 by the learned 1st Addl. Sessions Judge, Samastipur in Chakmehsi P.S. Case No. 184 of 2019 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



According to prosecution case, when the informant was planting banana, the appellants committed abuse and assault. Other witnesses have also supported the allegation before the police.

Learned counsel for the appellants submits that the informant is helper of Jay Shankar Prasad with whom the appellants had enmity and as such he has been set up by Jay Shankar Prasad. The appellants have got no criminal antecedent.

Considering the apparent bar of prayer for anticipatory bail in view of the allegation and material noticed above, I am not inclined to interfere with the order of refusal of prayer for anticipatory bail.

Accordingly, this appeal stands dismissed.

However, in the event of surrender of the appellants, prayer for regular bail shall be considered by the court below without being prejudiced by this order, especially considering the general and omnibus nature of allegation.

(Birendra Kumar, J)

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