

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1495 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- SC/ST District- Samastipur

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1. Shiv Nandan Mahto S/o Late Chhatu Mahto Resident of Village- Korbaddha, P.S.- Mufassil, District- Samastipur.
 2. Sunil Mahto S/o Shiv Nandan Mahto Resident of Village- Korbaddha, P.s.- Mufassil, District- Samastipur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellants and

learned APP for the State.

Learned counsel for the appellants is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

It is submitted by learned counsel for the appellants that appellant No. 1 namely Shiv Nandan Mahto has died. Hence, he seeks permission to withdraw the application with regard to appellant No. 1.



Permission is accorded.

Accordingly, the application with regard to appellant No. 1 is permitted to be withdrawn.

The appellant No. 2 has challenged the order dated 12.11.2020 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with SC/ST P.S. Case No. 36 of 2020 instituted for the offences under Sections 147, 149, 323, 341, 354, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(w), 3(2)(va) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby the prayer for being released on anticipatory bail has been rejected.

It is alleged that the appellants and others assaulted the informant and others by calling caste name and snatched gold ornaments.

Learned counsel for the appellant No. 2 submits that the allegation against the appellant No. 2 is omnibus and general. There is counter version of the occurrence also. Moreover, the occurrence has not taken



in public view, hence the provisions of the SC/ST Act shall not be attracted. A statement has been made in para 3 of the petition that appellant No. 2 has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 12.11.2020. The appeal is hereby allowed.

The appellant No. 2, above named is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with SC/ST P.S. Case No. 36 of 2020.

(Sunil Kumar Panwar, J)

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