

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.324 of 2020**

Arising Out of PS. Case No.-23 Year-2019 Thana- SC/ST District- Jehanabad

Jag Narayan Mahto @ Jag Narayan Prasad, aged about 55 years, (Male), Son of Dasrath Mahto, Resident of Village Machhil, P.S. Makhdumpur, District Jehanabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 23-02-2021 Heard both sides.

The appellant filed this appeal under Section 14A (2) of the SC/ST (POA) Act for grant of anticipatory bail in Jehanabad SC/ST P.S. Case No.23 of 2019, registered under Sections 147, 149, 323, 354(B), 379, 504, 452 and 506 of the Indian Penal Code and under Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act after setting aside the order dated 02.01.2020, passed in ABP No.1652 of 2019, by which the prayer for grant of anticipatory bail of the appellant was rejected.

The informant named nine accused persons including the appellant, Jag Narayan Mahto and alleged that they having armed with different weapons forcibly entered their appearance in the house. Devanand Mahto assaulted the informant with *Khanti* on her head and also caught her hand with bad intention.



Devanand Mahto also snatched her ornaments. Virendra Mahto and Amrendra Mahto caught the hand of the daughter-in-law of the informant with bad intention and assaulted her. The accused persons snatched money from the pocket of the son of the informant.

Learned counsel for the appellant submits that appellant Jag Narayan Mahto is of course named in the FIR, but no specific allegation is made against the appellant. Devanand Prasad @ Devanand Mahto also filed Complaint Case No.252 of 2019 on 22.04.2019 against the informant and her family members. Thereafter the daughter-in-law of the informant also lodged Makhdumpur P.S. Case No.209 of 2019 on 09.05.2019. The contents of the FIR of Makhdumpur P.S. Case No.209 of 2019 are almost same and similar. It is further submitted that the appellant has got no criminal antecedent and for the reasons best known to the informant, the appellant has been named in the FIR, but no any overt act either of abusing or assaulting the informant is made against the appellant.

The learned Special P.P. however opposed the prayer for anticipatory bail of the appellant.

Having considered the facts, it appears that of course the appellant is named in the FIR, but the informant has not made any overt act against the appellant. Devanand Prasad, one of the



accused of the present case, earlier filed complaint case against the informant and her family members. It also transpires that the daughter-in-law of the informant lodged Makhdumpur P.S. Case No.209 of 2019 on same and similar allegation.

Considering the facts aforesaid, I find that the appellant deserves anticipatory bail.

Accordingly, the appellant, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st, Jehanabad in connection with Jehanabad SC/ST P.S. Case No.23 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The order dated 02.01.2020, passed in ABP No.1652 of 2019 is set aside. The appeal is allowed accordingly.

(Prabhat Kumar Jha, J)

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