

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1859 of 2021

Arising Out of PS. Case No.-474 Year-2020 Thana- BIHARSHARIF SC/ST District- Nalanda

1. VIJAY MAHTO S/o Garivan Prasad Resident of Village- Imadpur, P.S.- Bihar, District- Nalanda at Biharsharif.
2. Vicky Mahto @ Vivek Kumar S/o Vijay Mahto Resident of Village- Imadpur, P.S.- Bihar, District- Nalanda at Biharsharif.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with Bihar P.S. case No.474/2020 registered for the offences under Sections 341, 323, 324, 506, 354, 34 of the Indian Penal Code and Sections 3(i)r(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that the accused persons including the appellants assaulted the informant by



means of lathi, danda, due to which he sustained injuries and the informant's sister came to rescue him, the accused persons also assaulted her, due to which she sustained injury on her head and other parts of body. The accused persons abused the informant.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is no allegation of assault against the appellants. No grievous injury is said to have been caused upon the victim in course of occurrence. For a petty reason the alleged occurrence is said to have taken place. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted 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 14.10.2020, passed by the learned Additional District and Sessions Judge Vith, Nalanda at Bihar Sharif vide A.B.P. No.2052 of 2020 in connection with Bihar P.S. case No.474/2020, is set aside. The criminal appeal is allowed.

Let 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 their personal bond to the satisfaction of learned Additional District and Sessions Judge VIth, Nalanda at Biharsharif in connection with Bihar P.S. case No.474/2020.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

