

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.902 of 2020

Arising Out of PS. Case No.-177 Year-2017 Thana- GAURICHAK District- Patna

1. PULESHWAR MAHTO @ TULESHWAR PRASAD Son of Kashi Mahto Resident of Village - Usfa, P.S.- Gaurichak, District- Patna
2. Mithilesh Mahto @ Mithilesh Prasad Son of Kashi Mahto Resident of Village - Usfa, P.S.- Gaurichak, District- Patna
3. Ranjit Mahto Son of Puleshwar Mahto @ Tuleshwar Prasad Resident of Village - Usfa, P.S.- Gaurichak, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gajanan Mishra
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2021 Heard learned counsel for the appellants and learned
APP for the State.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 147, 148, 149, 341, 342, 323, 324, 307, 427, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, 1989 and Section 27 of the Arms Act.

The prosecution case, in short is that the appellants abused the informant by taking his caste name and also assaulted the informant by lathi, danda and butt of gun, due to



which he sustained injuries.

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. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. It is a case and counter case between the parties. The injuries on the side of the appellants have not been explained by the prosecution. The prosecution has not come with clean hands. 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 04.01.2020, passed by the learned Special Judge, SC/ST Act, Patna vide A.B.P. No.39 of 2020 in connection with Gaurichak P.S. case No.177 of 2017 corresponding to Special case No.487 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the



event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Gaurichak P.S. case No.177 of 2017 corresponding to Special case No.487 of 2017.

(Sudhir Singh, J)

Narendra/-

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