

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.908 of 2020

Arising Out of PS. Case No.-51 Year-2019 Thana- BIRUPUR SAHAYAK District-
Lakhisarai

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PRAMOD MAHTO Son of Awadhesh Mahto Resident of Village -
Girdharpur, P.S.- Birupur, Distt - Lakhisarai, At presnet residing at Behind
Ganga Market Kishan Bhawan Shivpuri, Phulwari, P.S.- Shastri Nagar, Distt -
Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeeb Kumar Sanju
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences
under Sections 279, 323, 379/34 of the Indian Penal Code and
Section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act,
1989.

The prosecution case, in short is that the appellant
along with co-accused dashed the informant and his mother with
motorcycle causing hurt to them and abused them using caste
words and took Rs.5000/- from the pocket of the informant.



It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. For oblique reasons the present case has been instituted. The alleged occurrence is said to have taken place on 12.11.2019 and the case was instituted on 14.11.2019. Delay has not been explained by the prosecution. 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 appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 22.11.2019, passed by the learned Additional Sessions Judge 1st-cum-Special Judge, (SC/ST Act), Lakhisarai vide A.B.P. No.909 of 2019 in connection with Birupur P.S. case No.51 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, 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



Additional Sessions Judge 1st-cum-Special Judge, (SC/ST Act),
Lakhisarai in connection with Birupur P.S. case No.51 of 2019.

(Sudhir Singh, J)

Narendra/-

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