

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2030 of 2021

Arising Out of PS. Case No.-62 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

PRAMOD KUMAR MAHTO Son of Sagar Mahto Resident of Village-
Khanjapur, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Hare Krishna Prasad, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Ashok Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 03-09-2021 Heard Mr. Hare Krishna Prasad, learned counsel

for the appellant and Mr. Ashok Kumar, learned counsel for

the informant. The State is represented by Mr. Sadanand

Paswan, Special Public Prosecutor for the State.

The appellant has challenged the order dated

19.01.2020 passed by the learned Special Judge SC/ST

(POA) Act, Begusarai in Cheriya Bariyarpur P.S. Case No.

24/18 arising out of Complaint Case No. 62 C of 2019,

whereby the prayer made on behalf of the appellant for

grant of anticipatory bail for the offences under Sections

342, 323, 504 and 354 of the Indian Penal Code and



Section 3(1)(S)(S) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that the informant was called and was abused and demeaned in front of her husband. From the narration given in the First Information Report, it appears that the appellants insinuated the information about her having illicit relationship with one Mahendra Thakur. When she protested, she was assaulted and abused.

Learned counsel for the appellant has submitted that an absolutely false case has been lodged by the informant. The appellant is the husband of the local *Mukhiya* and because of political motives, such cases have been filed.

As opposed to the aforesaid contention, the learned counsel for the informant has submitted that the appellant has not approached this Court with clean hands. In paragraph- 3 of the memo of appeal, the appellant has only referred to one case, whereas according to the information of the informant, the appellant has been made accused in five cases and there are several other litigations at different forums pending against him.



On this disclosure by the informant, a supplementary affidavit was filed by the appellant in which the reference of all such cases has been given. Two of the cases are very old in which the appellant has been acquitted whereas the other cases are of recent origin; but in all cases the appellant is on bail. One of such cases has been lodged by his own brother with respect to some family dispute.

Learned counsel for the informant has also drawn the attention of this court to the fact that otherwise also, the appellant displays a very unruly behaviour and for one such breach of rule, he has also been noticed by the High Court. Perhaps, that was for the petitioner taking part in the illegal construction of a road on a private land.

Learned counsel for the appellant has submitted that the very nature of accusation against him and the arguments advanced on behalf of the informant indicate that it is a vindictive action. Assuming but not admitting that the offence under Section 342, 323, 504 and 354 of the Indian Penal Code could be made out against the appellant but so far as the offence under the SC/ST (Prevention of



Atrocities), Act are concerned, it is not made out. In support of the aforesaid argument, learned counsel for the appellant has submitted that according to the own showing of the informant, except for her husband, nobody was present at the time when the occurrence had taken place. It further appears, it has been argued, that because the appellant objected to the conduct of the informant with respect to her association with one Mahendra Thakur, the informant has taken it too heart and has filed this case.

Considering the afore-noted aspects of the matter, he has submitted that the offence under the SC/ST (Prevention of Atrocities) Act cannot at all be made out as the accusation in that regard are highly exaggerated and far-fetched.

For the reasons afore-stated, the order dated 19.01.2020 passed by the learned Special Judge SC/ST (POA) Act, Beguasarai, is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before



the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Beguasarai in connection with Cheriya Bariyarpur P.S. Case No. 24/18 arising out of Complaint Case No. 62C of 2019.

However, it is made clear that if the appellant would ever try to cross roads with the informant or would harass her on any account, it would be open for the informant to approach the court below for cancellation of his bail. In that event, the court below shall promptly proceed in the matter and shall pass orders in accordance with law.

(Ashutosh Kumar, J)

sunilkumar/-

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

