

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1116 of 2020

Arising Out of PS. Case No.-33 Year-2019 Thana- SC/ST District- Samastipur

1. DHARMENDRA MAHTO @ DHARMENDRA KUMAR SINGH Son of Ram Chandra Mahto Resident of Village-Kodariya, Ward no.01, Police Station-Vibhutipur, District-Samastipur.
2. Ranjeet Mahto @ Ranjeet Kumar Singh Son of Ram Chandra Mahto Resident of Village-Kodariya, Ward no.01, Police Station-Vibhutipur, District-Samastipur.
3. Sanju Mahto @ Sanjay Kumar Singh Son of Ram Chandra Mahto Resident of Village-Kodariya, Ward no.01, Police Station-Vibhutipur, District-Samastipur.
4. Jitendra Mahto @ Jitendra Kumar Son of Ram Chandra Mahto Resident of Village-Kodariya, Ward no.01, Police Station-Vibhutipur, District-Samastipur.
5. Naveen Mahto @ Naveen Kumar Son of Ranjeet Mahto Resident of Village-Kodariya, Ward no.01, Police Station-Vibhutipur, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Samastipur SC/ST P.S. Case No. 33 of 2019 registered for the offences under Sections 147, 149, 323, 341, 504, 506 of the Indian Penal Code and Sections 3(1)(r)



(s) of the SC/ST (POA) Act.

Allegedly, the accused persons taking the caste name of the informant started abusing her and threatened her.

It has been submitted on behalf of the appellants that the appellant Nos. 3 & 5 have got no criminal antecedent. 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 against the appellants. No deadly weapon is said to have been used in course of the occurrence. For a petty reason, the alleged occurrence has taken place. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 03-01-2020 passed by learned Additional District & Sessions Judge-Ist, Samastipur in Samastipur P.S. Case No. 33 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Samastipur in connection with Samastipur P.S. Case No. 33 of 2019.

(Sudhir Singh, J)

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