

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1220 of 2020

Arising Out of PS. Case No.-363 Year-2019 Thana- WAJIRGANJ District- Gaya

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1. VIKKI MAHTO Son of Ganauri Mahto Resident of Village - Raghapur (Bhagalpur), P.S.- Wazirganj, District - Gaya.
 2. Raj Kumar Mahto Son of Ganauri Mahto Resident of Village - Raghapur (Bhagalpur), P.S.- Wazirganj, District - Gaya.
 3. Ajay Mahto Son of Ganauri Mahto Resident of Village - Raghapur (Bhagalpur), P.S.- Wazirganj, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the appellants and learned Special P.P. 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 341, 323, 504, 379/34 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 appellants



abused the informant and they also assaulted the informant and her family members and stolen away Rs.10,000/-.

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. It is a case and counter case between the parties. Free fight is alleged to have taken place. 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 27.01.2020, passed by the learned Exclusive Special Judge, SC/ST Act, Gaya vide A.B.P. No.26 of 2020 in connection with Wazirganj P.S. case No.363 of 2019, 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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Wazirganj P.S. case No.363 of 2019

(Sudhir Singh, J)

Narendra/-

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