

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1227 of 2020

Arising Out of PS. Case No.-38 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

-
1. KRISHNA MAHTO Son of Kameshwar Mahto Resident of Village - Keshopur, P.S.- Barun, Distt - Aurangabad.
 2. Rajesh Mahto @ Rajesh Kumar Son of Krishna Mahto Resident of Village - Keshopur, P.S.- Barun, Distt - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh

For the Respondent/s : Mr.Binay Krishna

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 147, 341, 354, 504, 506/34 of the Indian Penal Code and Sections 3(1)(x)(r)(s)/4 of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants abused the complainant by



taking her caste name and they also assaulted the complainant and her son with fists and slaps.

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. 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. No deadly weapon is said to have been used in course of occurrence. The alleged occurrence is said to have taken place due to petty reason. The complaint case has been instituted after 24 days of the alleged occurrence. The 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 appellants are named in the complaint case.

In view of the aforesaid facts and circumstances, the order dated 25.02.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Aurangabad vide A.B.P. No.239 of 2020 in connection with



Complaint case No.38 of 2018, 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 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Aurangabad in connection with Complaint case No.38 of 2018.

(Sudhir Singh, J)

Narendra/-

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

