

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2517 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- PUNAURA District- Sitamarhi

1. SANJAY SAH, S/O Bindeshwar Sah Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
2. Raheshwar Mahto, S/O Rajnarayan Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
3. Rajesh Mahto, S/O Tekan Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
4. Dinesh Mahto, S/o Sukhdeo Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
5. Vijay Mahto @ Vinay Mahto, S/O Sukhdeo Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
6. Ajay Mahto, S/O Kodai Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
7. Marchiya Devi @ Fekani Devi, W/O Krishnandan Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.
8. Lalan Kumar, S/o Ram Naresh Mahto Resident of Village - Bhoraha, P.S. - Riga, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Mahendra Thakur, learned Advocate

for the appellants and Ms. Usha Kumari-I, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

22.03.2021, passed by the learned 1st Additional



Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi, in A.B.P. No. 312 of 2021 / 31 of 2021, arising out of Punaura P. S. Case No. 150 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 147, 148, 149, 188, 341, 342, 353, 323, 307, 332, 333, 279, 270 and 504 of the Indian Penal Code and Sections 3 (1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellants have been named as persons who had created ruckus when a young girl was killed in a road accident. Even though the case with respect to such accident was reported and the post-mortem of the deceased was done but the accused persons including the appellants assaulted the driver of the vehicle in question.

The learned counsel for the appellants has submitted that because of the appellants residing in the



vicinity of the place of accident, they have been made accused in this case on suspicion.

It has further been submitted that the injuries suffered by the victim have been reported to be simple in nature. Such injuries may have been caused by the people of the locality on their being enraged at the death of a young girl in a road accident.

The accusation against the appellants with respect to offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is highly exaggerated and distorted.

For the afore-stated reasons, the order dated 22.03.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi, in connection with Punaura P. S. Case No. 150 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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