

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2624 of 2021**

Arising Out of PS. Case No.-29 Year-2015 Thana- SC/ST District- East Champaran

VISHWANATH MAHTO Son of Late Bira Resident of Village - Pachbhirwa,
P.s.- Sangarampur, Distt.- East champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 09-09-2021 Heard learned counsel for the appellant and the State
through virtual mode.

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

In the light of the order dated 08-03-2021 passed by
Hon'ble Supreme Court in SUO MOTU WRIT PETITION
(Civil) No. 03 of 2020, the delay in filing the present appeal is
condoned.

The matter relates to grant of anticipatory bail to the
appellant in connection with SC/ST P.S. Case No. 29 of 2015
registered for the offences under Sections 147, 148, 341, 323,
504 of the Indian Penal Code and Sections 3(1)(x) of the SC/ST
Act.



Allegedly, the informant went to the appellant's house carrying rice bags on his tempo and after uploading the same, he got seated on bed waiting his wages. It is further alleged that the appellant along with others abused the informant by taking caste name and assaulted him. The informant was tied with a pole and threatened to kill.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. No grievous injury is said to have been caused in course of occurrence. 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 appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 11-02-2021 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in SC/ST P.S. Case No. 29 of 2015 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, above named, in the event of



arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in SC/ST P.S. Case No. 29 of 2015.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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