

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1733 of 2020

Arising Out of PS. Case No.-584 Year-2019 Thana- MUFFASIL District- West Champaran

1. Chhotelal Mahato, aged about 30 years, Male, S/o Late Suraj Mahato
2. Umesh Mahato, aged about 32 years, Male, S/o Awadh Mahato
3. Mahesh Mahato, aged about 35 years, Male, S/o Rajendra Mahato
4. Ajay Mahato, aged about 37 years, Male, S/o Jamuna Mahto
5. Chandeshwar Mahato, aged about 38 years, Male, S/o Late Suraj Mahato
6. Babulal Mahato, aged about 40 years, Male, S/o Late Suraj Mahato
7. Rahul Mahato, aged about 20 years, Male, S/o Chandeshwar Mahato
8. Ramesh Mahato, aged about 40 years, Male, S/o Rajendra Mahato, all are residents of Village-Rampur Gonauli, Police Station-Bettiah Muffasil, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sachida Nand Rai, Advocate
For the State	:	Mrs. Usha Kumari No.1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-01-2021 Heard learned counsel for the appellants and learned Special P.P. for the State.

The appeal is against the order dated 21.03.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, District- West Champaran in A.B.P. No.20 of 2020, whereby the Anticipatory Bail Petition of the appellants in connection with Bettiah Muffasil P.S. Case No.584 of 2019 for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 354, 354(B), 307,



380, 504, 506 of the Indian Penal Code and Sections 3 (i)(r)(w) (ii)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.

The prosecution case, in short, is that Sabita Devi, wife of Mahendra Manjhi got Bettiah Muffasil Police Station Case No.584 of 2019 registered on 22.10.2019 under Sections 147, 149, 447, 341, 323, 354, 354(B), 307, 380, 504, 506 of the Indian Penal code and Sections 3 (i)(r)(w)(ii)(v-a) of the “SC/ST Act” for the occurrence alleged to be taken place on 18.10.2019 at 07:00 p.m. making accused to (1) Chhotelal Mahato, (2) Umesh Mahato, (3) Mahesh Mahato, (4) Ajay Mahato, (5) Chandeshwar Mahato, (6) Babulal Mahato, (7) Rahul Mahato, (8) Ramesh Mahato, (9) Raju Mahato and (10) Vinod Mahato alleging therein that on 18.10.2019 all the accused persons named above armed with various weapons came to her door and abused filthy word by taking caste name saying that because of the informant their business has effected. She further alleged tht Chhotelal Mahato ordered to the other accused persons to kill her, then he put his Nalkatti (country made gun) on her chest torn her Saree blouse making her half naked and caused injury and tried to manhandle. While her Bhaisur Dukhi Manjhi, Mahanth Manjhi, Hira Manjhi came to rescue her Mahesh



Mahato assaulted with Farsa to Dukhi Manjhi on his head causing injury on eye and cheek and thereafter, other accused persons assaulted with rod and Lathi. She further alleged that from the house of Sadhu Manjhi ornaments of Rs.80,000/- and cash of Rs.20,000/-, the accused persons taken away.

Learned counsel for the appellants submits that there is general and omnibus allegation against the appellants and the appellants have got no any criminal antecedent mentioned in paragraph-3 of the memo of appeal. He further submits that there is a case and counter case between the parties and injuries are simple in nature.

Learned counsel for the State submits that there is specific allegation against appellant nos.1 and 3, namely, Chhotelal Mahato and Mahesh Mahato.

In the facts and circumstances of the case, I am not inclined to enlarge the above named appellant nos.1 and 3. Accordingly, the prayer for bail of the above named appellant nos.1 and 3 is hereby rejected.

However, the above named appellant nos.2, 4, 5, 6, 7 and 8 are directed to be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of



Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, District- West Champaran in connection with Bettiah Muffasil P.S. Case No.584 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 21.03.2020 is set aside and appeal is partly allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

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

