

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1777 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAM GYAN MAHTO S/o Nand Lal Mahto Resident of Village-Manjhoul
(maheshwara), P.S.-Cheriyabariyarpur, District-Begusarai.... ... Appellant/s
Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-01-2021 Heard the learned counsel for the appellant

and Sri Sadanand Paswan, the learned Spl.P.P. for the State.

The present appeal has been preferred under
Section 14(A)(2) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989 (hereinafter
referred to as “the Act, 1989”) against the refusal of prayer
of anticipatory bail vide order dated 07.07.2020, passed by
the learned Special Judge, SC/ST (POA) Begusarai arising
out of Cheriyabariyarpur PS case no. 49 of 2020 under
Sections 307 and other allied sections of Indian Penal Code,
27 of Arms Act and 3(2)(va) of the Act, 1989.

The case of the prosecution in brief is that on
23.03.2020 at about 7.30 pm in the evening, the accused
persons including the appellant herein had arrived at the



house of the informant, whereafter they had demanded a sum of Rs. 2 lacs by way of extortion money and had also engaged in assaulting the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted by the learned counsel for the appellant that a general and omnibus allegation has been levelled against the appellant herein and moreover, no specific allegation of taking any sort of caste specific name has been alleged as far as the appellant is concerned, hence no offence is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Per contra, the learned Spl.PP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, taking into account the fact that there is no allegation of taking any sort of caste specific name and moreover, a general and omnibus allegation of assault



has been levelled against him, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail. Accordingly, let the abovenamed appellant, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (ST/SC(POA)) Act, Begusarai in connection with Cheribariyarpur PS case no. 49 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 07.07.2020 passed by the court of learned Special Judge (ST/SC(POA)) Act, Begusarai in connection with Cheribariyarpur PS case no. 49 of 2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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