

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2144 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- BELCHHI District- Patna

1. SATYENDRA SINGH @ SATENDRA MAHTO @ SATENDRA SINGH, aged about 48 years, Gender-Male, S/o Bangali Singh @ Bangali Mahto.
2. Gaurav Kumar @ Raj Suman, aged about 18 years, Gender-Male, S/o Satyendra Singh @ Satendra Mahto @ Satendra Singh.
3. Shuli Mahto @ Shuli Kumar, aged about 18 years, Gender-Male, S/o Mauli Ram.
4. Ravindra Mahto @ Rabindra Nath Singh @ Ravindra Nath Singh, aged about 63 years, Gender-Male, S/o Paryag Mahto.
5. Saurabh Kumar, aged about 19 years, Gender-Male, S/o Satyendra Singh @ Satendra Mahto @ Satendra Singh.

All Resident of Village- Chaudharain Chak, P.S.- Belchi, District- Patna.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s : Ms. Usha Kumar- I, Spl. P.P..

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 16-04-2021 Heard learned counsel for the appellant and learned counsel for the State through Virtual Court Proceeding.

This appeal is admitted.

This is an appeal against the refusal of prayer for anticipatory bail vide order dated 17.08.2020 passed by learned A.D.J.-VIII-cum- Special Judge, S.C./S.T. Patna, in connection with Belchi P.S. Case No.09 of 2020, registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r)(s) of Scheduled Caste and Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

Allegation has been made against the appellants that they came to the house of the informant and abused in filthy language taking his caste name and said that why he is not working in their field and thereafter they started assaulting and abusing him. On hue and cry, nearby persons came there and the matter was pacified due to intervention. After one hour, all the accused persons again came to the house of the informant holding different weapons and asked the informant why he is sitting inside the house and thereafter started assaulting the informant. Accused Saurabh Kumar inflicted iron rod blow on the head of the informant, as a result of which, the informant sustained head injury.

Learned counsel for the appellants submits that no such incident has taken place, inasmuch as, no specific allegation has been made against the appellant nos. 1 to 4. He further submits that against appellant no.5 allegation has been made to have assaulted the informant by iron rod. He next submits that the F.I.R. has been lodged after four days of the incident.

Looking to the nature of allegation, this Court is not inclined to grant anticipatory bail to the appellants.



Accordingly, the prayer for bail is rejected and the appeal stands dismissed. However, if the appellants surrender before the Court below within four weeks from today and pray for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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