

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1835 of 2020**

Arising Out of PS. Case No.-375 Year-2020 Thana- MADHAURAH District- Saran

1. Surendra Mahto S/o Hajari Mahto Resident of Village-Lerua Takth, P.S-Marhaurh, District-Saran at Chapra.
2. Pawan Mahto S/o Hajarai Mahto Resident of Village-Lerua Takth, P.S-Marhaurh, District-Saran at Chapra.
3. Nagendra Mahto S/o Hajarai Mahto Resident of Village-Lerua Takth, P.S-Marhaurh, District-Saran at Chapra.
4. Raju Mahto S/o Hajarai Mahto Resident of Village-Lerua Takth, P.S-Marhaurh, District-Saran at Chapra.
5. Deepak Mahto S/o Sipahi Mahto Resident of Village-Lerua Takth, P.S-Marhaurh, District-Saran at Chapra.
6. Madan Mahto S/o Jaglal Mahto Resident of Village-Lerua Takth, P.S-Marhaurh, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Nawal Kishore Singh, Adv.  
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      09-02-2021                      Heard learned counsel for the appellant and learned  
Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 12.6.2020 passed by the learned Additional District and Sessions Judge 1st -cum- Special Judge, SC/ST Act, Saran at Chapra whereby the prayer for bail of the appellant in connection with Madhaurah P.S. Case No. 375 of 2020 registered under sections 341, 323, 504, 506 and 34 of the



Indian Penal Code and sections 3(1)(r)(w) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R. seven named accused persons including the appellants herein are stated to have come, abused the appellant in the name of his caste and assaulted him. They also abused his wife.

It is submitted by learned counsel for the appellants that the appellant nos. 2 and 6 were arrested during pendency of the instant appeal and as such he seeks permission to withdraw this appeal so far as they are concerned.

With respect to the other appellants it is submitted that the allegations are general and omnibus in nature, the main allegation being against one Badri Mahto who is not one of the appellants in this appeal. The appellants have no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellants, the appeal so far as the appellant nos.2 and 6 are concerned stands dismissed as withdrawn.

So far as the other appellant nos.1, 3, 4 and 5 are



concerned, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 12.6.2020 passed by the learned Additional District and Sessions Judge 1st -cum- Special Judge, SC/ST Act, Saran at Chapra is set aside.

The appellant nos.1, 3, 4 and 5 are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Madhaurah P.S. Case No. 375 of 2020, they will be enlarged on bail on each of them furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st -cum- Special Judge, SC/ST Act, Saran at Chapra.

**(Partha Sarthy, J)**

Bibhash/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

