

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1950 of 2020**

Arising Out of PS. Case No.-27 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

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1. RUPLAL PRASAD @ RUPLAL MAHATO @ RUPLAL PRASAD KUSHWAHA
 2. Heeralal Mahato @ Heera Mahato
Both are S/o Late Dashai Mahato @ Late Dashai Prasad Kushwaha
 3. Amar Kumar @ Amar Mahato S/o Heeralal Mahato @ Heera Mahato
 4. Nitesh Kumar S/o Ruplal Prasad @ Ruplal Mahato @ Ruplal Prasad Kushwaha
 5. Lalbachchan Patel S/o Krishna Patel
All are R/o Village-Kala Sikta, P.S.-Sanichari, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-01-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 07.03.2020 passed by learned 1st Additional District and Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with SC/ST Bettiah P.S. Case No. 27/2019 P.S. Case No. 27/2019 registered for the offences punishable under Sections 341/323/324/504/34 of the Indian Penal Code and Sections 3(i)(r)(ii)(v-a) of the Scheduled Caste and



Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 24.10.2019 at about 02:40 hrs., all the accused persons including Appellant No. 1 (Ruplal Mahto) came to the house of informant and started abusing her taking her caste name and demanded his money. On protest, Ruplal Mahto dragged her by holding on the ground. In the meanwhile, all the accused persons including these appellants came armed with Lathi and Danda and assaulted the *Dewar* of the informant on head. Appellant Amar Mahto also hit Brahmdeo Sah by Lathi.

It is submitted on behalf of the appellants that the present case is counter blast of Jogapatti P.S. Case No. 397/2019 which was registered on 27.10.2019 by the appellant No. 1 against the informant's husband and others. The present FIR has been lodged after a lapse of 15 days for which no plausible explanation has been offered. It is further submitted that appellants have been falsely implicated in this case as some money was taken by the husband of the informant and when the same was demanded by the appellant No. 1, this false case has lodged. It is next submitted that the injuries which are said to have been caused, have been found to be simple in nature.



Proceeding under Section 107 of Cr. P.C. is also pending between the parties. Appellants have got clean antecedents.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 07.03.2020 passed by learned 1st Additional District and Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with SC/ST Bettiah P.S. Case No. 27/2019 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge cum Special Judge, Bettiah, in connection with SC/ST Bettiah P.S. Case No. 27/2019.

(Prabhat Kumar Singh, J)

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