

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1922 of 2020**

Arising Out of PS. Case No.-33 Year-2020 Thana- BIRUPUR SAHAYAK District-
Lakhisarai

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1. Rameshwar Mahto, aged about 65 years Son of Late Dhanusdhari Mahto Resident of Village - Nathanpur, P.S. - Birupur, District - Lakhisarai.
 2. Ajit Kumar Son, aged about 20 years of Ramashwar Mahto Resident of Village - Nathanpur, P.S. - Birupur, District - Lakhisarai.

... .. Appellants

Versus

1. The State of Bihar
2. Shankar Ram aged about 49 years Son of Late Sitaram Resident of Village - Nathanpur, P.S. - Birupur, District - Lakhisarai.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Manoj Kumar, Advocate
For the Respondents	:	Mr. Addl Public Prosecutor

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

3 15-01-2021 Heard learned counsel for the parties.

The present appeal is directed against the order dated 06.08.2020, passed by learned Additional Sessions Judge-I, Lakhisarai in a case registered for the offence punishable under Sections 354A, 504/34 of the Indian Penal Code and Section 3 (i) (r) (s) 3(2)(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the First Information Report, on 4.8.2020 at about 1 PM daughter of the informant had gone to the field to attend call of nature. In the meantime, both the appellants, by



taking her caste name, made vulgar & sexually colored remarks.

Learned counsel for the appellants submits that no such occurrence has taken place and the appellants have been implicated in this case due to old enmity and land dispute. For the occurrence of 4.8.2020, FIR has been lodged on 6.8.2020 without cogent explanation of delay. It is further submitted that the informant does not belong to SC/ST category as title of the informant is 'Ram' which is the title of 'Kahar' caste in the locality and the same comes in EBC I category. Appellants have no criminal antecedent.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 06.08.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 Additional District and Sessions Judge – I cum Special



Judge, SC/ST Act, Lakhisarai in Birpur Police Station Case No.
33 of 2020.

(Prabhat Kumar Singh, J)

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