

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3308 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- PUNAURA District- Sitamarhi

VINAY MAHTO S/o Brij Nandan Mahto R/o village- Bhoraha, Ward No. 13,
P.S.- Riga, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Devendra Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-08-2021 This case has been listed today for consideration
through video conferencing.

In the instant appeal limitation has lapsed on
16.05.2021. The appeal has been filed on 10.08.2021.

Learned counsel for the appellant submits that the
appellant, on wrong advice had filed a regular bail application.
The same was permitted to be withdrawn on 30.07.2021 in Cr.
Misc. No. 24907 of 2021. It is only thereafter the appellant took
steps towards filing the appeal, in the midst of several
restrictions during Covid-19 pandemic. The delay therefore has
occurred in filing the appeal.

Without any objection, I.A. No. 1 of 2021 for
condonation of delay is allowed. The appeal is treated to have
been filed on time.



Heard learned counsel for the appellant and the learned Special Public Prosecutor (for brevity, Special PP) appearing for the State of Bihar.

The appellant has preferred the present Appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, SC/ST Act), 1989 against the refusal of his prayer for regular bail vide order dated 10.02.2021 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Sitamarhi, in a case registered under Sections 147, 148, 149, 188, 341, 342, 353, 323, 307, 332, 333, 279, 270, 504 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act in connection with Punaura Police Station (for brevity, PS) Case No. 150 of 2020 dated 28.10.2020.

The instant appellant is one amongst 20 named persons in a crowd of 100 to 150 people who have created ruckus and indulged in arson after a motor vehicle accident on the road. Having no criminal antecedents.

Learned counsel for the appellant submits that appellant has remained in custody since 19.01.2021. No case is made out under SC/ST Act against the appellant. Further submission is that implication is only based on suspicion as it is



highly improbable that in a crowd of 100 to 150 persons, the informant would identify 20 persons by name.

Learned Special PP submits that appellant and others have created nuisance and obstructed the discharge of official duty and also committed offence under SC/ST Act.

In my opinion, in view of nature of accusation in the FIR, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 10.02.2021 requires interference by this Court, which is, accordingly, set aside.

This appeal is allowed. The impugned order dated 10.02.2021 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Sitamarhi in connection with Punaura P.S. Case No. 150 of 2020 dated 28.10.2020 is set aside.

Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge II, SC/ST (P.O.A.) Act, Sitamarhi in Punaura P.S. Case No. 150 of 2020 dated 28.10.2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to



inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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