

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3343 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. GEETA DEVI, W/O Sri Kishor Mahto, Resident of Village - Keshopur Tharhi, P.S. - Bajpatti, Dist. - Sitamarhi.
2. Babloo Kumar, S/O Sri Kishor Mahto, Resident of Village - Keshopur Tharhi, P.S. - Bajpatti, Dist. - Sitamarhi.
3. Dabloo Kumar, S/O Sri Kishor Mahto, Resident of Village - Keshopur Tharhi, P.S. - Bajpatti, Dist. - Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-09-2021 Heard learned counsel for the parties through video conferencing.

The appellants have preferred this appeal against the order dated 22.6.2021 passed by the learned Special Judge, SC and ST (POA) Act, Sitamarhi, whereby the prayer for bail of the appellants in a case registered under section 307 and other sections of the Indian Penal Code and section 3(i)(r)(s) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegations in the F.I.R., it is stated by the informant that when he along with the police party had gone to arrest Kishore Mahto, the appellants herein who happen to the



wife and two sons of the said Kishore Mahto resisted the arrest and assaulted the police personnel and the Chowkidar, causing injuries.

It is submitted by learned counsel for the appellants that the allegations as levelled in the FIR are false and concocted. The allegations are general and omnibus in nature. Referring to the order of the learned Court below wherein the contents of the case diary has been dealt with in detail, it is submitted that the Chowkidar and Awadesh Kumar on whom the appellant no. 2 is alleged to have given a blow are said to have sustained simple injury. The appellants are in custody since 15.4.2021 and investigation in the case has concluded.

Heard learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the appellants together with the investigation in the case having concluded, the appeal is allowed and the order impugned dated 22.6.2021 is set aside.

The three appellants are directed to be enlarged on bail in connection with Bajpatti P.S. Case no. 80 of 2021 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 1st Additional Sessions Judge I-cum-Special Judge, SC and ST (POA) Act, Sitamarhi.

(Partha Sarthy, J)

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