

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.856 of 2021**

Arising Out of PS. Case No.-399 Year-2020 Thana- MAJHAULIA District- West Champaran

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ASHOK MAHTO @ ASHOK KUMAR MAHTO S/o Bharat Mahato R/o
Village- Mahodipur, P.S.- Majhauriya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 341, 323, 354, 380, 387, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellant and four unknown persons demanded extortion and also snatched Rs.80,000/- from the informant and they also abused the informant by taking her caste name.

It has been submitted on behalf of the appellant that there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The allegation of demand of extortion and snatching Rs.80,000/- from the informant is denied by the appellant. Prior to institution of the present case, one case was instituted by the appellant side. The appellant happens to be the husband of ex-Mukhiya and the informant is the present Mukhiya. The present case has been instituted due to political rivalry. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 31.08.2020, passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, West Champaran at Bettiah vide A.B.P. No. 1129 of 2020 in connection with Majhauriya P.S. case No.399 of 2020, is set aside. The criminal appeal is allowed.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of

twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional District and Sessions Judge 1st-cum-Special Judge, West Champaran at Bettiah in connection with Majhauriya P.S. case No.399 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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