

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2092 of 2020

Arising Out of PS. Case No.-137 Year-2020 Thana- UCHKAGAON District- Gopalganj

Hira Mahto S/O Raman Mahto R/O Village- Nawada Parsauni, P.S.-
Uchakagaon, District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Pandey
For the Respondent/s	:	Mr. Binay Krishna
	:	Mr. Lokesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-07-2021 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail *vide* order dated 26.08.2020 passed by learned ADJ-1st, Gopalganj in connection with Uchakagaon P.S. Case No. 137/2020 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)/3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that appellant along with nine to ten persons armed with *lathi*, *danda* abused and assaulted informant and his father due to which they sustained injury and



during the course of treatment informant's father died.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. The allegation of assaulting the informant is not specific rather general and omnibus in nature. He submits that it has not been mentioned that who have assaulted the informant and who have assaulted his father. He further submits that similarly situated co-accused has been granted bail *vide* order dated 08.04.2021 in Cr. App. (SJ) No. 985 of 2021. There is inordinate delay of two days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent. Appellant has been languishing in custody since 12.05.2020.

Learned Spl. PP for the State and learned counsel for the informant opposed the prayer for bail submitting that during investigation police has submitted that there is specific allegation against the appellant.

In the facts and circumstances of the case and considering the fact that similarly situated co-accused has been granted bail, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-1st Gopalganj in connection with



Uchakagaon P.S. Case No. 137/2020.

Accordingly, the impugned order is set aside and this appeal
is allowed.

(Anjani Kumar Sharan, J)

GAURAV S./-

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