

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.86 of 2021

Arising Out of PS. Case No.-320 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. MAJHAULIYA, 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

For the Respondent/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellant.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 31.08.2020,
passed by the learned Additional District and Sessions Judge-
1st-cum-Special Judge, West Champaran in connection with
Majhauria P.S.Case No. 320 of 2020, registered for the offences
punishable under Sections 341, 323, 447, 504 and 506/34 of the
Indian Penal Code and Section 3(i)(r) of SC and ST (Prevention
of Atrocities) Act, whereby the prayer for anticipatory bail of



the appellant has been rejected.

The informant Lalmuni Devi, wife of Moti Lal Ram, made an allegation that the appellant in a drunken state abused her and her husband by calling their caste name. The family members of the appellant also indulged in the occurrence. It has further been alleged in the FIR that the leg of the appellant slipped. He fell on the ground and sustained head injuries

Learned counsel for the appellant has submitted that he is husband of Ex-Mukhiya and the present case has been filed at the instance of the present Mukhiya. He has further submitted that members of the informant party badly assaulted the appellant and he sustained head injuries and it has falsely been mentioned in the FIR that due to slip he fell on the ground and sustained head injuries. He has next submitted that the appellant, as he was assaulted, has already lodged Majhauria P.S. Case No. 313 of 2020, which is prior to the present case.

It appears that the appellant has also sustained head injuries and in this respect he has already lodged a case, which is prior to the present case. In these circumstances, the ingredients of SC & ST Act do not *prima facie* apply to this case.

Considering the facts and circumstances, the appeal is



allowed and the impugned order dated 31.08.2020, passed by the learned Additional District and Sessions Judge^{1st}-cum-Special Judge, West Champaran at Bettiah is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions ^{1st}-cum-Special Judge, West Champaran at Bettiah in connection with Majhauria P.S.Case No. 320 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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