

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.64 of 2021

Arising Out of PS. Case No.-288 Year-2020 Thana- KANTI District- Muzaffarpur

1. ROHIT KUMAR S/o Sanjay Matho Resident of Village-Kanti Kasba, Ward No.9, P.S-Kanti, District-Muzaffarpur.
2. Ram Briksh Matho S/o Late Santu Mahto Resident of Village-Kanti Kasba, Ward No.9, P.S-Kanti, District-Muzaffarpur.
3. Ramu Mahto S/o Late Lakhani Mahto Resident of Village-Kanti Kasba, Ward No.9, P.S-Kanti, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Shekhar Anand
For the Respondent/s : Mr.A.G.

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

ORAL ORDER

2 29-10-2021 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the appellants has submitted that during the pendency of this appeal, Ramu Mahto the appellant no.3, has been arrested and as such, the appeal has become infructuous as against him. He, therefore, seeks permission to withdraw this appeal.

In view of the aforesaid submission, the appeal as against appellant no.3 is dismissed as withdrawn as having become infructuous.



Heard learned counsel for appellant nos. 1 and 2 through video conferencing.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 24.08.2020, passed by learned Additional Sessions Judge-IX-cum-Spl. Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Kanti P.S.Case No. 288 of 2020, registered for the offences punishable under Sections 147, 149, 341, 323, 307, 448, 379, 427, 504 and 506 of the Indian Penal Code and Sections 3(i)(r) (s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Allegedly, the accused persons entered into the house of the informant and dismantled the household articles. They badly injured the informant with *lathi* and they abused him by calling his caste name.

Learned counsel for the appellant nos. 1 and 2 has submitted that the allegations are general and omnibus in nature.

The FIR itself reveals that the accused persons, after entering into the house of Chandeshwar Ram (informant), dismantled his household articles. They also abused him by calling his caste name. As such, this appeal for anticipatory bail



is not maintainable as per the provision of Section 18 of the SC
& ST (POA) Act.

The appeal is accordingly dismissed as not
maintainable.

Office shall ensure that all defects are removed by the
appellants within the stipulated time provided in para 1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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