

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.105 of 2021

Arising Out of PS. Case No.-66 Year-2019 Thana- SC/ST District- Sitamarhi

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1. DAHAURI DEVI Wife of Umesh Mahto Resident of Village-Lachhua, Ward No.-3, P.S.-Bathnaha, District-Sitamarhi.
 2. SURESH MAHTO Son of Chandra Mahto Resident of Village-Lachhua, Ward No.-3, P.S.-Bathnaha, District-Sitamarhi.
 3. AJAY MAHTO Son of Umesh Mahto Resident of Village-Lachhua, Ward No.-3, P.S.-Bathnaha, District-Sitamarhi.
 4. VIJAY MAHTO Son of Umesh Mahto Resident of Village-Lachhua, Ward No.-3, P.S.-Bathnaha, District-Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR THE ADVOCATE GENERAL

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hans Lal Kumar
For the Respondent/s : Mr. Usha Kumari No.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-10-2021 Heard learned counsel for the appellants and learned counsel for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 04.07.2020 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No.66 of 2019, registered under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(w)(i) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Prosecution case in short is that for informant's daughter was assaulted and abused the outrage her modesty by the appellants.

Learned counsel for the appellants submits that the occurrence is not committed in public place and the act of the appellants does not comes within the purview of SC/ST Act. Learned counsel for the appellant also submits that the appellant No.1 has already filed criminal case against the informant.

On the other hand, learned APP for the State submits that the cognizance under Section 341, 323, 354, 504, 506/34 of IPC and Sections 3(i)(r)(w)(i)/3(2)(v) of SC/ST Act has been taken against the petitioner, hence the appeal is not allowed.

Learned lower Court has taken cognizance under SC/ST Act after finding the prima facie case.

Having regard to the submissions made by the parties and taking into consideration the material on record, I am of the view that the impugned order is fit and proper and there is no need for interference. Hence, the appeal of the petitioner is hereby dismissed and appellants are directed to surrender before the learned lower Court and pray for regular bail. After hearing

the parties, the learned lower Court shall pass an appropriate order without being prejudice the order passed by this Court in accordance with law preferably on the same day.

(Sunil Kumar Panwar, J)

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