

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.119 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- GAURICHAK District- Patna

1. PRAMOD RAM Son of Charitar Ram @ Chalitar Ram Resident of Village - Gopal Tola (Gopalganj), P.S.- Gaurichak, Distt.- Patna.
2. MOHAN MAHTO Son of Manik Chand Mahto Resident of Village - Gopal Tola (Gopalganj), P.S.- Gaurichak, Distt.- Patna.
3. KARU MAHTO @ KARI MAHTO Son of Bishundeo Mahto Resident of Village - Gopal Tola (Gopalganj), P.S.- Gaurichak, Distt.- Patna.
4. DEOBRAT MAHTO @ DEV BRAT MAHTO Son of Manik Chand Mahto Resident of Village - Gopal Tola (Gopalganj), P.S.- Gaurichak, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-03-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the very outset, learned counsel for the appellants submits that during pendency of this appeal, the appellant No. 1 has already been taken into custody.

Accordingly, the present appeal with regard to appellant No. 1 is dismissed as withdrawn.

The matter relates to grant of anticipatory bail to the



appellant Nos. 2, 3 & 4 in connection with Special Case No. 155 of 2020 arising out of Gaurichak P.S. Case No. 83 of 2020 registered for the offences under Sections 147, 148, 149, 109, 448, 341, 323, 302, 201 & 504 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act.

Allegedly, while the informant's father was fishing, one Manik Mahto prevented from doing so and in consequence thereto, the accused persons having armed with deadly weapons came at the house of the informant and started abusing taking his caste name. Furthermore, the informant's father was taken away and in the next morning, the dead body of the informant's father was found.

It has been submitted on behalf of the appellant Nos. 2, 3 & 4 that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant Nos. 2, 3 & 4. The appellants have falsely been implicated in the present case due to previous enmity. There is no eye witness to the alleged occurrence. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the



present case.

On behalf of the State, it is submitted that the appellant Nos. 2, 3 & 4 are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 26-09-2020 passed by learned Special Judge, SC/ST Act, Patna in Special Case No. 155 of 2020 arising out of Gaurichak P.S. Case No. 83 of 2020 is set aside with regard to appellant Nos. 2, 3 & 4 only. The present Criminal Appeal is *allowed* with regard to appellant Nos. 2, 3 & 4 only.

Accordingly, let the appellant Nos. 2, 3 & 4, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 155 of 2020 arising out of Gaurichak P.S. Case No. 83 of 2020.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

