

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.130 of 2021**

Arising Out of PS. Case No.-99 Year-2019 Thana- BARHARIA District- Siwan

Pappu Mahto @ Rahul Raj, son of Santosh Mahto Resident of Village -
dhanaw Tole, Kudiyaipur, P.S.- Barharia, Distt.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

2 20-02-2021 Heard learned counsel for the appellant and

learned counsel appearing on behalf of the Special P.P.

The appellant is aggrieved by the order dated
13.10.2020 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, Siwan in connection
with Barharia P.S. Case No. 99 of 2019 registered for
the offences punishable under Sections 363, 366(A), 34
of the Indian Penal Code and Section 3(i)(r) of the
Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for bail of the
appellant has been rejected.

The appellant is alleged to have assaulted the



informant along with other co-accused persons and abused him by calling his caste name when the informant went to enquire about his 13 years old missing daughter.

Learned counsel appearing on behalf of the appellant would submits that there is specific accusation against co-accused Satyendra Mahto to have fled away with the daughter of the informant. He has further drawn attention of this Court to Annexure-2, the statement of the victim girl recorded under Section 164 Cr.P.C wherein she has admitted that co-accused Satyendra Mahto married with the victim girl. Moreover, for the cause of action arose on 22.03.2019, the F.I.R has been registered on 02.04.2019.

The appellant is not having any criminal antecedent and he is in custody since 25.08.2020.

Considering the aforestated facts, the order dated 13.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection



with Barharia P.S. Case No. 99 of 2019, is set aside.

Accordingly, the appeal is allowed.

The appellant, above named, is released on bail on his furnishing bail bonds of Rs. 50,000/- (Rupees fifty thousands) with two sureties of the like amount each to the satisfaction of learned 6th Additional District & Sessions Judge-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 99 of 2019.

(Anil Kumar Upadhyay, J)

Shageer/-

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

