

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.313 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- BHADAUR District- Patna

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1. BABLOO MAHTO, S/o Pramod Mahto
 2. MUNNA CHOUDHARY, S/o Dhuri Choudhary
 3. ARUN KUMAR @ SARUN KUMAR, S/o Ram Pravesh Mahto
 4. CHANDAN MAHTO, S/o Dhanu Mahto
 5. PAWAN MAHTO @ PAWAN KUMAR, S/o Ganauri Mahto @ Surendra Mahto
 6. SUDHIR CHOUDHARY, S/o Arjun Choudhary

All are Resident of Vill.- Chakdaulat, P.S.- Bhadaur, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Adv.

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-06-2021 Heard the counsel for the parties.

The appellants have challenged the order dated 17.09.2020 passed by the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 255 of 2020 arising out of Bhadaur P.S. Case No. 56 of 2020, instituted



for the offences under Sections 341, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The appellant No. 1 is alleged to have assaulted the informant on his head. The other persons are also said to have participated in the occurrence.

It has been submitted on behalf of the appellants that there is no injury report on record, which completely belies the assertion made by the informant in the F.I.R. Apart from this, it has been submitted that the appellant Nos. 2 and 6 are the persons of the same community as that of the informant and they are at loggerheads with each other with respect to some dispute which has not been specified in the *memo* of Appeal. Further, it has been submitted that because of the appellant Nos. 2 and 6 getting help from appellant Nos. 1, 3, 4 and 5, they have also been made accused in this case. A dispute lies somewhere else but only to give serious colour to the offences, the provisions



of S.C./S.T (Prevention of Atrocities) Act have been incorporated in the F.I.R.

Regard being had to the aforesaid submissions, the order dated 17.09.2020, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees 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. 255 of 2020 arising out of Bhadaur P.S. Case No. 56 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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