

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.491 of 2021

Arising Out of PS. Case No.-63 Year-2019 Thana- ANGARGHAT District- Samastipur

1. Mina Devi W/o Kailash Mahto R/o village- Muriaro Ward No. 9, P.S.- Angarghat, Distt.- Samastipur
2. Anjal Mahto S/o Kailash Mahto R/o village- Muriaro Ward No. 9, P.S.- Angarghat, Distt.- Samastipur
3. Sanjay Mahto S/o Kailash Mahto R/o village- Muriaro Ward No. 9, P.S.- Angarghat, Distt.- Samastipur

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr.Pankaj Kumar, Advocate
For the Respondent	:	Mr.Sadanand Rai, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-10-2021 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing on behalf of the State.

Appellants are aggrieved by the order dated 12.06.2020 passed by learned Special Judge (SC/ST Act)-cum-Additional Sessions Judge 1st, Samastipur in connection with Angarghat P.S. Case No.63 of 2019 registered for the offence under Sections 307, 323, 324/24, 341, 354, 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer of the appellants for grant of anticipatory bail has been rejected.



It is not a case of the informant that there was any member present while using caste name of the informant by the appellants in public view at the time of commission of incident, therefore the basic ingredients under the provisions of the SC/ST Act are not made out. Hence, this appeal for anticipatory bail of the appellants is maintainable.

Learned counsel for the informant has vehemently opposed the prayer of anticipatory bail of the appellants and has argued that the offence under the provisions of the SC/ST Act is made out.

Considering the rival submissions of the parties and in view of the fact that the occurrence has taken place because of some private dispute, the allegations do not make out a case under the SC/ST Act. This appeal is allowed. The order dated 12.06.2020 passed by learned Special Judge (SC/ST Act) -cum- Additional Sessions Judge 1st, Samastipur in connection with Angarghat P.S. Case No.63 of 2019 registered for the offence under Sections 307, 323, 324/24, 341, 354, 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is set aside.

Accordingly, let appellants named above, in the event



of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge (SC/ST Act)-cum-Additional Sessions Judge 1st, Samastipur in connection with Angarghat P.S. Case No.63 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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