

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4034 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- UCHKAGAON District- Gopalganj

LADUMAN MAHTO S/o KANAI MAHTO R/o VILLAGE-NAWADA
PARSAUNI, MATHIYA TOLA, P.S.-UCHAKAGAON, DISTRICT-
GOPALGANJ.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25/08/2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj, in connection with Uchakagaon P.S. Case No.137/2020, registered under sections 341, 323, 307,



504 & 34 of the IPC and sections 3(i)(r)/3(2)(va) of SC/ST Act.

The prosecution case in brief, is that while the informant along with his father were sleeping in his bathan, 9-10 persons including the appellant, armed with lathi, danda came there, abused in the caste name and assaulted the informant and his father. Due to the said assault, they sustained several injuries and became unconscious. Thereafter they were admitted in the hospital by neighbours.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant is innocent and has been falsely implicated in the case. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against all the accused including the appellant is not specific rather general and omnibus in nature. It is further submitted that occurrence took place on 08.05.2020, fardbeyan was recorded on 10.05.2020 and F.I.R. was lodged on 14.05.2020 i.e. there is a delay of two days in filing the F.I.R., which itself creates a doubt. Earlier the F.I.R. was lodged under section 307 and other sections, later on section 302 IPC is added in the present case, as one of the injured died in course of



treatment. Similarly situated co-accused namely Hira Mahto, Raju Mahto and Mithun Mahto have already been enlarged on bail by this Court vide order dated 22.07.2021 passed in Cr. Appeal (SJ) No.2092 of 2020, order dated 08.04.2021 passed in Cr. Appeal (SJ) No.985 of 2021 and order dated 17.08.2021 passed in Cr. Appeal (SJ) No.1896 of 2021 respectively. The appellant has no criminal antecedent and has been languishing in custody since 13.08.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, since several similarly situated co-accused have been granted bail, the above named appellant also, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Gopalganj, in connection with Uchakagaon P.S. Case No.137/2020.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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