

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.994 of 2021

Arising Out of PS. Case No.-328 Year-2018 Thana- EKMA District- Saran

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OM PRAKASH MAHTO S/O RAMADHAR MAHTO RESIDENT OF
VILLAGE - NARHANI, P.S.- EKMA, DISTRICT - SARAN

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anant Kumar Bhaskar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-03-2021 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

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 21.10.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran in connection with Ekma P.S. Case No. 328 of 2018 registered under Sections 341, 323, 324, 307, 302, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with one Chandan Mahto are said to have descended at the house of he informant and slated his



brother, namely, Birendra Sah in the name of his caste and on protest, they assaulted him by means of knife. When the informant rushed in his rescue, they also assaulted him by means of knife. His brother succumbed to his injury during the course of treatment.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. As a matter of fact, there was property dispute between the deceased and the informant and quarrel ensued between them, whereupon the informant himself brutally assaulted the deceased, who succumbed to injury and in order to save his skin, the informant has lodged this false and frivolous case against the appellant and others. Similar situated co-accused, namely, Chandan Mahto has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 03.02.2020 passed in Cr. Appeal (SJ) No.4475 of 2019. Appellant has no criminal antecedent and has been languishing in custody since 03.01.2019.

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

From perusal of the case record, it appears that earlier vide order dated 04.07.2019 passed in Cr. Appeal (SJ)



No.1910 of 2019, the prayer for bail of the appellant was rejected by a co-ordinate Bench of this Court.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Sessions Trial No.101 of 2019, arising out of Ekma P.S. Case No.328 of 2018

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

(Anjani Kumar Sharan, J)

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