

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.985 of 2021

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

RAJU MAHTO S/o Raman Mahto R/o village- Nawada Parsauni, P.S.-
Uchakagaon, District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Pandey, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-04-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken 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 05/12/2020 passed by learned Additional District Judge-1, Gopalganj in connection with Uchakagaon P.S. Case No.137/2020 registered under sections 341, 323, 307, 504, 506/34 IPC and section 3(i)(r)/3(ii)



(va) of SC/ ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that while the informant along with his father were sleeping in his bathan, 9-10 persons armed with lathi, danda came, 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. The appellant has no criminal antecedent and has been languishing in custody since 01.12.2020.



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

In the facts and circumstance of the case, the above named appellant 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 Additional District Judge-1, 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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