

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.773 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- BARGAINIA District- Sitamarhi

1. FEKAN MAHTO Son of Batahu Mahto Resident of Village- Nandwara, P.S.- Bairgania, District- Sitamarhi.
2. Rajiv Mahto Son of Fekan Mahto Resident of Village- Nandwara, P.S.- Bairgania, District- Sitamarhi.
3. Sandip Mahto Son of Fekan Mahto Resident of Village- Nandwara, P.S.- Bairgania, District- Sitamarhi.
4. Pradip Mahto Son of Fekan Mahto Resident of Village- Nandwara, P.S.- Bairgania, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Kumar Alok, Adv.
	:	Mr. Hans Lal Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 26-07-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated
07.11.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge (SC/ST) Act, Sitamarhi in
Bairgania P.S. Case No. 121/20, whereby the prayer made
on behalf of the appellants for grant of anticipatory bail for
the offences under Sections 341, 323, 307, 504 and 506/34
of the Indian Penal Code and under Section 3(1)(x) of



SC/ST (POA) Act has been rejected.

It appears from the First Information Report that the appellants are alleged to have assaulted several persons of the prosecution side. The dispute between the parties is with respect to cattle. There is a counter version of the occurrence also. Many persons from the side of the appellants have been injured. The injuries on both sides but have been reported to be simple in nature.

Learned counsel for the appellants, therefore, submits that the dispute is between two families where both parties have clashed against each other. There is no intention on the part of the appellants to have demeaned the members of prosecution party in the present case. So far as the allegations under the Indian Penal code are concerned, they appear to have been exaggerated. It has thus been urged that no offence under under SC/ST (Prevention of Atrocities) Act, can at all be said to have been made out.

For the facts stated above, the order dated 07.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Sitamarhi is set



aside.

The appeals is allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Sitamarhi in connection with Bairgania P.S. Case No. 121/20.

(Ashutosh Kumar, J)

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