

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.904 of 2021

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

Dilip Mahto @ Dilip Kumar, aged about 19 years, Male, 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.Hans Lal Kumar, Advocate
For the State : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-02-2021 Heard learned counsel for the appellant and learned
A.P.P. for the State.

The appeal is against the order dated 07.11.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi, whereby the Bail Petition of the appellant in connection with Bairgania P.S. Case No.121 of 2020 for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Sections 3(i)(x) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case, in brief, is that on 12.07.2020 at 09.00 P.M., all the accused persons named in the F.I.R. including the appellant variously armed with iron rod, belcha, fatha came at the house of the informant and started to assault



his Bhabhi Shakuntala Devi on her dead. Sandip Mahto gave iron rod blow on her head due to which she sustained head injury with bleeding. Motive behind the occurrence as given in the F.I.R. is that the goat of the informant died on which his Bhabhi told that someone has given medicines to the goat resulting in its death, on which the accused persons entered into his house and assaulted them and also abused them by calling out their caste name and they also threatened that if they lodge any case, then they will be ousted from the village.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that there is no specific allegation against the appellant regarding to abuse the informant by calling on his caste name. It is clear that the injury found simple in nature.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Bairgania P.S. Case



No.121 of 2020.

Accordingly, the order dated 07.11.2020 is set aside
and appeal is allowed.

(Anjani Kumar Sharan, J)

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