

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3730 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- DESARI District- Vaishali

ANJIT MAHTO Son of Saltan Mahto Resident of Village- Chak Jamal Ward
No.7, P.S.- Desari (Sahdei O.P.), District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 15-11-2021 Heard the parties.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 23-05-2019 passed by learned A.D.J. 1st cum Special Judge, Vaishali at Hajipur, in connection with Desari (Sahdei) P.S. Case No.32 of 2019, registered under sections 376, 511, 34 of the IPC, sections 8, 12 of the POCSO Act and section 3(i)(r) of the SC/ST (Prevention of Atrocity) Act.

The prosecution case in brief, is that on the alleged date, her neighbour Raj Mahto and the appellant entered into her house, took her in the field of wheat and tried to outrage



her modesty but she fled away and raised alarm. Thereafter, her family members reached there and the accused persons fled away.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. The appellant has no concern with the aforesaid occurrence and has been falsely implicated in the case due to a dispute between the family of both sides regarding flow of drain. The allegation levelled against the appellant is not specific rather general and omnibus in nature. No offence under SC/ST Act is made out against the appellant. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature, moreover, when it is alleged that the accused persons took her away from her house but neither she raised any alarm at her house, nor she has said that there was no one in her house at the time of occurrence. The appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail on the ground that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.P.C.

In the facts and circumstance of the case, I am not inclined to enlarge the appellant on anticipatory bail. The



prayer for anticipatory bail is hereby rejected.

Accordingly, the appeal is dismissed.

(Anjani Kumar Sharan, J)

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