

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5158 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- DERNI BAZAR District- Saran

1. SIKANDRA MAHTO Son of Krishna Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.
2. Balmiki Mahto Son of Kisan Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.
3. Mithu Mahto Son of Mahendra Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.
4. Harendra Mahto Son of Sitaram Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.
5. Rampukar Mahto Son of Mauji Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.
6. Bhuar Mahto Son of Laxmi Narain Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.
7. Satrohan Mahto Son of Krishna Mahto Resident of Village - Sutihaar Non Tola, P.S.- DERNI, Distt - Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-12-2021 Heard learned counsel for the appellants and learned
Spl.P.P. 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 anticipatory



bail vide order dated 22-10-2019, passed by learned Additional District and Sessions Judge-1st- cum- Special Judge, SC/ST, Saran/Additional Sessions Judge- 1st, Saran in connection with Derni P.S. Case No.68/19, registered under sections 147, 148, 149, 323, 504, 379 of the IPC and sections 3 (1) (r) (s) of the SC/ST Act.

The prosecution case in brief, is that the accused persons named in the FIR, including the appellants, have abused and assaulted the informant by taking his caste name. It is alleged that one of the accused took out his golden chain and cash. The police party intervened in the matter and then the written application was filed.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case. There is no specific overt act of abusing or assaulting the informant against the appellants rather the allegations are general and omnibus in nature. The appellants had not assembled at the spot with intent to abuse and assault anyone rather they were trying to extinguish the fire caught in the field. It is further submitted that the appellants are residents of



another village and have no knowledge regarding the caste of the informant, as such, the allegation of abusing is baseless. Learned counsel for the appellants further submits that the appellants may be given aid under the provisions of section 41(A) of the Cr.P.C. The appellants have no criminal antecedent, which is also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State has opposed the prayer for anticipatory bail by submitting that the appellants are named in the FIR and there is specific allegation against the appellants of abusing the informant. Offence under SC/ST Act is made out against the appellants as the alleged occurrence has taken place in public view.

In the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the appellants named above, as such, the prayer for anticipatory bail made on behalf of the appellants is hereby rejected.

Accordingly, this appeal stands dismissed.

However, the appellants are directed to surrender before the learned court below within a period of four weeks from today and seek regular bail.



The learned court below is directed to consider and dispose of the case of the appellants, on the same date, in accordance with the merits of the case without being prejudiced by the dismissal of the present appeal.

(Anjani Kumar Sharan, J)

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