

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.231 of 2022**

Arising Out of PS. Case No.-17 Year-2021 Thana- BARHARA KOTHI District- Purnia

RAJENDRA MAHTO S/o Biranchi Mahto Resident of Village- Hanuman
Nagar, P.S.- Barhara, District- Purnea.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhola Prasad, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Dhramveer, Advocate
		Mr.Saurav Anand, Advocate

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

2 19-05-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellant undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, 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,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 21.12.2021, passed by
learned Special Judge (SC/ST) Act, Purnea in connection with
Barhara P.S. Case No.17 of 2021 (Special SC/ST Case No.11 of



2021), registered u/s 364, 302, 201, 120(B) and 34 of the IPC and sections 3(2)(v-a) of SC/ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that husband of the informant has been murdered and his dead body was thrown on near dam of V.C. Nahar. It is alleged that the deceased had a land dispute with the neighbors and that the appellant along with others have killed her husband.

It is submitted by learned counsel for the appellant that the appellant is innocent and has committed no offence as alleged in the FIR. He has been falsely implicated in this case. There is no eye-witness of the alleged occurrence and only on suspicion appellant has been made accused in this case. There is no allegation/evidence against the appellant of abusing the informant, therefore, no case under the SC/ST Act is made out. The appellant has no criminal antecedent and has been languishing in custody since 19.09.2021. Other similarly situated co-accused have been granted bail by this Court on 15.12.2021 vide Cr. Appeal (SJ) No.3995 of 2021.

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

In the facts and circumstances of the case, since similarly situated co-accused have been enlarged on bail, 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 Special Judge (SC/ST) Act, Purnea in connection with Barhara P.S. Case No.17 of 2021 (Special SC/ST Case No.11 of 2021) with the following conditions:-

(1) One of the bailors of each appellant will be own close relative of the appellants concerned, who will give on affidavit genealogy as to how he is related to the appellant. The bailor will also undertake to inform the court if there is any change in the address of their appellants.

(2) The bailors shall also state on affidavit that they will inform the court concerned if the appellants is made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) Each appellants shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by learned court concerned.

(4) The appellants shall co-operate with the



investigation, if not already concluded and make themselves available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellants shall appear before the Police Station of their local area in the first week of each month till the disposal of the present case.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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