

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.506 of 2022

Arising Out of PS. Case No.-150 Year-2020 Thana- PUNAURA District- Sitamarhi

RAJESH MAHTO @ RAJESH KUMAR SON OF RAJ NARAYAN MAHTO
R/O VILLAGE- BHORAHA, WARD NO.13, P.S.- RIGA, DISTRICT-
SITAMARHI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Devendra Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-08-2022 Heard learned counsel for the appellant 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 proceeding. In the eventuality of non-removal of defects
within undertaken period, the 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, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 23.11.2021 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Sitamarhi in



connection with Punaura P.S. Case No. 150 of 2020 registered under Sections 147, 148, 149, 188, 341, 342, 353, 323, 307, 332, 333, 279, 270 & 504 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant along with other accused persons are said to have assaulted the informant's side by means of several weapons and abused him by taking caste name. It is further alleged that the appellant and other co-accused persons started pelting stones in which the informant's side got injured and their vehicle was also damaged.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics and biased intention. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Similarly situated co-accused have been granted bail by this Court and a co-ordinate Bench of this Court.

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

In the facts and circumstances of the case, the



above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum Special Judge (SC/ST Act), Sitamarhi in connection with Punaura P.S. Case No.150 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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