

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.543 of 2022

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

KAMLESH MAHTO S/O RAM GULAM MAHTO R/o village- Boraha,
P.S.- Riga, Distt.- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Adv

For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2022 Heard learned counsel for the appellant and learned Spl.P.P. for the State. The F.I.R. has been lodged by a police officer who is represented by the State, as such there is no requirement of issuing notice to the informant.

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 anticipatory bail vide order dated 02.12.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) 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 3(i),(r),(3),3(2)(va) S.C./S.T. (POA) Act.

Allegedly, the appellant along with other accused persons assaulted the informant's side by means of several weapons and abused them 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.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case due to dirty village politics and biased intention. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellant. There is no specific allegation against the appellant. Similarly situated co-accused has been granted bail by a co-ordinate bench of this Court vide order dated 16.07.2021 in Cr.App(SJ) No. 2517 of 2021. The appellant has no criminal antecedent, as also mentioned in para-3 of this memo of appeal.

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

Considering the facts and circumstances of the case, since



similarly situated co-accused has been granted bail, let the appellant named above, 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/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum Special Judge, S.C./S.T. (POA) Act, Sitamarhi in connection with Punaure 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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