

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.629 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST District- Sheikhpura

1. Anil Mahto Son Of Jowaser Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.
2. Kishori Mahto Son Of Lakhan Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.
3. Satish Mahto Son Of Lakhan Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.
4. Santosh Mahto @ Santosh Kumar Son Of Lakhan Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.
5. Parmeshwar Mahto @ Parmeshwar Prasad Mahto Son Of Jamahir Mahto @ Jawahar Prasad Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.
6. Sidheshwar Mahto @ Sideswar Prasad Mahto Son Of Jamahir Mahto @ Jawahar Prasad Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.
7. Amit Mahto @ Amit Kumar Son Of Jamahir Mahto @ Jawahar Prasad Mahto Resident Of Village - Pind Sharif P.S. Sheikhpura (Sirari O.P.), District - Sheikhpura.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Chhotelal Chaudhary Late Ramcharan Chaudhary Resident Of Village-Pindsharif, P.S.- Shiekhpora (sirari O.P.), District- Shiekhpora

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-12-2022 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

Appellants undertake to remove the defects, if any, within three weeks.

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 22.10.2021, passed by learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST case No. 48 of 2021 arising out of Sheikhpura SC/ST P.S. Case No. 34 of 2021, registered under Sections 147, 149, 347, 341, 323, 504, 506 of the IPC and Sections 3(i) (r) (s), 3(2) (va) of SC/ST Act and Section 27 of the Arms Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name, therefore, no offence under SC/ST Act is made out against the appellants. He submits that there is case and counter case between the parties and both sides have sustained injury. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with



two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with SC/ST case No. 48 of 2021 arising out of Sheikhpura SC/ST P.S. Case No. 34 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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