

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.684 of 2022

Arising Out of PS. Case No.-73 Year-2020 Thana- KORMA District- Sheikhpura

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1. VIRANCHI MAHTO Son of Late Jhamman Mahto Resident of village - Panapur, P.S.- Korma, District - Sheikhpura.
 2. Amresh Kumar Son of Viranchi Mahto Resident of Village- Panapur, P.S.- Korma, District- Sheikhpura.
 3. Mukesh Mahto Son of Viranchi Mahto Resident of village - Panapur, P.S.- Korma, District - Sheikhpura.
 4. Ramanuj Kumar Son of Ramashish Mahto Resident of village - Panapur, P.S.- Korma, District - Sheikhpura.
 5. Sateyendra Kumar Son of Ram Prakash Mahto Resident of village - Panapur, P.S.- Korma, District - Sheikhpura.

... .. Appellants

Versus

1. The State of Bihar
2. Bhagwan Das Paswan Son of Late Munilal Paswan Resident of Village - Panapur, P.S.- Korma, District- Sheikhpura.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Ram Sumiran Rai
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 12-10-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 19.12.2020 passed by the learned 1st Additional Sessions Judge, Sheikhpura in A.B.P. No. 546 of 2020 arising out of Korma P.S. Case



No. 73 of 2020, registered for the offences punishable under Sections 341, 323, 379, 387, 420, 504 of the Indian Penal Code & Section 3(i) (r) (s) & 3(2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons abused the informant by calling his caste name and also demanded commission for the work done by the informant.

Learned counsel for the appellants has submitted that the informant is Block Pramukh. He has misappropriated the fund of Swachha Bharat Mission and in this respect a RTI application was filed by the appellant Ramesh Kumar (whose anticipatory bail petition has been withdrawn) to provide him information about distribution of fund of the Scheme and when the compliance was not made he has complained the matter to the Zila Lok Shikayat Nivaran Padadhikari, Sheikhpura. Being aggrieved by the action of the appellants the informant has falsely implicated them in the present case. Learned counsel has also submitted that the appellant No. 3 has also lodged a case against the informant and all the appellants are the persons of clean antecedent.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 19.12.2020 passed by the learned 1st Additional District & Sessions, Sheikhpura is set aside.



Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions, Sheikhpura in connection with Korma P.S. Case No. 73 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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