

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1669 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Shashi Ranjan Mahto @ Shashi Ranjan Kumar Mahto @ Vishal Kumar @
Vishal Kumar Mahto @ Vishal Mahto Son Of Ganga Vishnu Mahto R/O
Village- Dih Tabhka P.S- Vibhutipur, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Robin Ram Late Ram Dular Ram R/O Village-Dih Tabhaka, P.S.-Vibhutipur,
District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mahendra Pratap
For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2022 Learned counsel for the appellant has filed the jointness
petition today in the Court.

Let it be kept on record.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Though, notice has been received by the brother of the
respondent no. 2 but no one has appeared on his behalf.

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 14.12.2020, passed by
learned Additional Sessions Judge 1st -cum-Special Judge,
(SC/ST Act), Samastipur in connection with Vibhutipur P.S.



Case No. 219 of 2020, registered under Sections 323, 324, 341, 379, 504/34 of the IPC and Sections 3(1) (S)/3(2) Va of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is specific overt act against co-accused Jai Kishun Mahto to abuse the informant by taking caste name. He submits that there is no specific allegation against the appellant, as such, no case under SC/ST Act is made out against him. He submits that occurrence took place on 12.07.2020 and the FIR has been lodged on 04.08.2020 without assigning any appropriate reason for this delay. 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 and the fact that there is delay in filing the present FIR, let 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 enlarged 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 Additional Sessions Judge 1st -cum-Special Judge,



(SC/ST Act), Samastipur in connection with Vibhutipur P.S.
Case No. 219 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
the appeal is allowed.

(Anjani Kumar Sharan, J)

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