

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.728 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- SC/ST District- Sitamarhi

MUKESH MAHTO Son of Rajindra Mahto Resident of Village- Sahwajpur,
P.S.- Riga, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajmaniya Devi W/o Ram Akabal Paswan Resident of Village- Sahwajpur,
Ward No.14, P.S.- Riga, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P. Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-08-2022 Heard learned counsel for the appellant, learned
Special P.P. as well as learned counsel for the informant /
respondent no. 2.

The present appeal has been filed against order dated
24.01.2022 passed by learned Ist Additional Sessions Judge cum
Special Judge, SC/ST (POA) Act, Sitamarhi in Registered Case
No. 2654 of 2021 / 244 of 2021, arising out of S.C./S.T. P.S.
Case No. 42 of 2021, registered for the offence punishable
under Sections 341, 323, 354, 506 of the Indian Penal Code and
Section 3(i)(r)(s)(w)/3(2)(va) of SC/ST (POA) Act, whereby the
prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on the alleged date and



time of occurrence, it is alleged that this appellant caught arm of the informant and tried to take her towards a bush to do dirty work, which was objected by the informant and therefore, this appellant assaulted her with *danda* and abused her with caste name.

It is submitted on behalf of appellant that appellant is husband of the elected Dy.Mukhiya (Kiran Devi) and the present F.I.R. has been lodged due to village politics. There is inordinate delay of 41 days in registering the F.I.R. without there being any plausible examination of delay. There is general and omnibus allegation of abuse and assault against this appellant. The appellant has got clean antecedent.

However, learned counsel for the informant vehemently opposed the appeal and submitted that appellant is named in the F.I.R. and there is specific allegation that he abused and assaulted the informant.

Considering the backdrop of the matter and nature of allegation, the impugned order dated 24.01.2022 passed by learned Ist Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Sitamarhi in Registered Case No. 2654 of 2021 / 244 of 2021, arising out of S.C./S.T. P.S. Case No. 42 of 2021 is set aside and appeal is allowed.



Accordingly, let the appellant, as named above, in the event of his arrest / surrender within a period of six weeks from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Registered Case No. 2654 of 2021 / 244 of 2021, arising out of S.C./S.T. P.S. Case No. 42 of 2021

(Prabhat Kumar Singh, J)

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