

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.750 of 2022

Arising Out of PS. Case No.-949 Year-2021 Thana- MANER District- Patna

1. Rajesh Mahato Son of Raj Bullabh Mahato @ Raj Balav Mahato Resident of Village - Beyapur, P.S. - Maner, District - Patna.
2. Raj Kumar Mahato Son of Raj Bullabh Mahato @ Raj Balav Mahato Resident of Village - Beyapur, P.S. - Maner, District - Patna.
3. Parshuram Mahato @ Pasuram Mahato son of Raj Bullabh Mahato @ Raj Balav Mahato Resident of Village - Beyapur, P.S. - Maner, District - Patna.
4. Raju Kumar @ Raju Mahato Son of Rajesh Mahato Resident of Village - Beyapur, P.S. - Maner, District - Patna.
5. Ajay Kumar @ Ajay Mahato Son of Rajesh Mahato Resident of Village - Beyapur, P.S. - Maner, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Prasad Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 14-09-2022 In spite of two adjournments, none appeared on behalf of respondent no. 2.

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

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 11.02.2022 passed by learned Special Judge (SC/ST Act), Patna in connection with Maner P.S. Case No. 949 of 2021 corresponding to Special Case No. 351 of 2021 under Sections



448, 341, 323, 354(B), 379, 504, 506 and 34 of the Indian Penal Code and section 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the FIR, all the appellants came at the house of informant and started abusing her by taking her caste name. When the informant objected, appellants assaulted her and also snatched her gold chain from her neck and took out cash from the Almirah. The accused persons also tried to outrage her modesty.

It is submitted on behalf of the appellants that there is general and omnibus allegation. No specific overt act has been alleged against these appellants. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. There is case and counter case. As a matter of fact, in order to save skin from a case bearing Maner PS Case No. 449 of 2021 which was filed by the wife of appellant no. 1 against sons of the informant, this false case has been lodged. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 11.02.2022 passed by learned Special Judge (SC/ST Act), Patna is set aside.



Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in connection with Maner P.S. Case No. 949 of 2021 corresponding to Special Case No. 351 of 2021.

(Prabhat Kumar Singh, J)

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