

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.883 of 2022

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST District- Sitamarhi

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1. Anjani Kumar Mahto @ Anjani Kumar Son Of Bhukhlu Mahto Resident Of Village - Kothia Rai, Ward No.- 1, P.S. - Suppi, District - Sitamarhi, Pin Code - 843315 (bihar).
 2. Sushila Devi Wife Of Anjani Kumar Mahto @ Anjani Kumar Resident Of Village - Kothia Rai, Ward No.- 1, P.S. - Suppi, District - Sitamarhi, Pin Code - 843315 (bihar).

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ashok Paswan Son of Ram Ayodhya Paswan Resident of Village - Gopalpur, P.S. - Suppi, District - Sitamarhi, (Bihar).

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 07.01.2022 passed in A.B.P. No. 2414 of 2021/224 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi S.C./S.T. P.S. Case No. 06 of 2019 consequent G.R. No. 184 of 2019 registered under Sections 341,



323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i) (s) of SC/ST Act, 1989.

As per prosecution case, in brief, is that the informant Ashok Paswan submitted a written report before the Station House Officer of S.C./S.T. P.S on 07.01.2019, alleging therein that on 15.12.2018, he went to Gram Katchahari Kothia Rai as he has lodged some case in connection with land. In that case 'Sarpanchpati' Ram Sagar Sah and 'Up-Sarpanch' Anjani Kumar Mahto in connivance with the accused Ram Govind Paswan had given the decision against him. Against that order he had filed an appeal for which Ram Sagar Sah and Anjani Kumar Mahto asked him why he has filed the appeal, upon which he informed them that, he has right to file an appeal. Due to which both of them abused him in Gram Katchahari and when he opposed this, Ram Sagar Sah, Anjani Kumar Mahto and his wife Sushila Devi assaulted him with fists, slaps and slipper and abused him by calling out his case name. All of them have humiliated him in public place Gram Katchahari Kothia Rai by abusing and assaulting him. He further alleges that on 07.01.2019 at 9:00 A.M., Ram Sagar Sah and Anjani Kumar Mahto came at his house and abused and assaulted him and threatened to drive him away from the village.



Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 07.01.2019 but the present F.I.R. instituted on 11.01.2019 after delay of four days without any explanation of delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no case is made out under the S.C./S.T. Act because the informant has alleged that the occurrence took place in the house of the informant and appellant no.1 was Upsarpanch and the appellant no.2 was Ward Member and they have decided the matter against informant in the Gram Katchary so that informant has falsely been implicated in the present case.

The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellants.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Considering the aforesaid facts and circumstances, let the appellants, above named, in the event of his arrest or surrender within a period of four weeks, 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 the learned Court below where the case is pending in connection with Maner Police Station (Patna) Case No. 473 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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