

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1053 of 2022

Arising Out of PS. Case No.-514 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. Nagendra Mahto Son Of Shamlal Mahto Resident Of Village - Tarawan, P.S.- Sahabganj, Distt.- Muzaffarpur.
2. Santosh Kumar Son of Sanjay Mahto Resident of Village - Tarawan, P.s.- Sahabganj, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mala Devi Ramesh Paswan Resident of Village-Tarawan, P.S.-Sahebganj, District Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nachiketa Jha
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-11-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 19.01.2022 passed by learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 514 of 2021 instituted for the offences punishable under Sections 341, 323, 504, 506, 354, 379, 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for



being released on anticipatory bail has been rejected.

It is alleged by the informant that when she came out from her house, the accused persons started making vulgar comment against her and when she made protest, they abused by calling her caste name and tried to outrage her modesty and when husband and son of the informant came to her rescue, they were also assaulted by the accused persons, as a result of which, the sustained injuries.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case due to village politics. There is general and omnibus allegation against the appellants. Moreover, as per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellants. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated 19.01.2022 passed by learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 514 of 2021.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 514 of 2021.

(Sunil Kumar Panwar, J)

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