

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2119 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- SC/ST District- Sheikhpura

SHANKAR MAHTO Son of Late Shyam Mahto Resident of Village-
Surdaspur, P.S.- Sheikhpura, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Nandan Prasad, Adv.

For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 18-04-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 18.02.2021, passed by learned 1st Additional District and Sessions Judge, Sheikhpura, in connection with Sheikhpura SC/ST P.S. Case No.59 of 2020, registered under sections 379, 504, 506, 34 of the IPC and sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

Allegedly, the appellant abused the informant by caste name and threatened him with dire consequences on account of a dispute arisen because of fishing from a pond.



It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. There is general and omnibus allegation against the appellant. No document has been produced to prove that the informant had taken the pond on lease. It is submitted that the allegation of slating the informant in the name of his caste is said to have been made at the disputed pond and not in the public view, as such, no offence under the SC/ST Act is made out against the appellant. Appellant has two criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that there is specific and direct allegation against the appellant to abuse the informant in caste name.

Considering the facts and circumstances of the case, since there is specific allegation against the appellant, I am not inclined to enlarge him on bail. The prayer for anticipatory bail of the appellant named above is rejected.

Accordingly, the appeal is dismissed.

(Anjani Kumar Sharan, J)

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