

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2682 of 2021

Arising Out of PS. Case No.-459 Year-2018 Thana- GARKHA District- Saran

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1. Sanoj Mahto Son Of Shankar Mahto Residence Of Village- Bhagwani Chapra P.S. Garkha Distt.- Saran At Chapra
 2. Sawali Mahto Son Of Gulab Mahto Residence Of Village- Bhuigaw, P.S. Garkha, Distt.- Saran At Chapra
 3. Bhudhan Mahto Son Of Shri Ram Mahto Residence Of Village- Bhuigaw P.S. Garkha Distt.- Saran At Chapra
 4. Purnwashi Mahto Son Of Gobari Mahto Residence Of Village- Madanpur, Bintola P.S. Awtarnagar Distt.- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar.
2. Phul Kumar Manjhi Late Yogendra Manjhi Village-Ramgadhi,P.S-Awatar nagar,District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kumari

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Defect no. 13 & 6 is ignored in view of the Hon'ble
Apex Court order dated 10.01.2022 passed in Suo Motu Writ
Petition (C) No.3 of 2020.

By the order dated 18.10.2022, appellants were
directed to file jointness petition because the notice was
received by the brother of the respondent no.2.

Jointness petition is filed in the Court. In para-2 of the
jointness petition, it is stated that respondent no.2 resides with
his brother in joint house.



Learned counsel for the appellants is directed to correct para-2 and 3 and title of the supplementary affidavit in course of the day.

Learned counsel for the appellants undertakes to remove the remaining defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

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 of anticipatory bail vide order dated 23.12.2019 passed by learned Additional Distt. and Sessions Judge 1st cum Special Judge SC/ST Saran, Chhapra in connection with Garkha P.S. Case No. 459 of 2018, registered under Sections 147, 148, 341, 323, 307, 379, 504, 506 and 427 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against



the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is specific overt act against the co-accused Jitendra Sah who abused the informant by taking the caste name. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have two criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case and the fact that there is general and omnibus allegation against the appellants, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Distt and Sessions Judge 1st cum Special Judge SC/ST Saran, Chhapra in connection with Garkha P.S. Case No. 459 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



Accordingly, the impugned order dated 23.12.2019 is
set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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