

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1478 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- SARSI District- Purnia

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1. RAVINDRA MAHTO Son of Late Balo Mahto Resident of Village - Baraina, P.S.- Sarsi, Distt.- Purnea.
 2. Munna Mahto Son of Late Ram Chandar Mahto Resident of Village - Baraina, P.S.- Sarsi, Distt.- Purnea.
 3. Suresh Mahto Son of Late Buddhu Mahto Resident of Village - Baraina, P.S.- Sarsi, Distt.- Purnea.
 4. Raghuvir Mahto Son of Late Chunni Lal Mahto Resident of Village - Baraina, P.S.- Sarsi, Distt.- Purnea.

... .. appellants/s

Versus

1. The State of Bihar
2. Rita Devi W/o Rajo Paswan Resident of Village - Baraina, Ward no.09, P.S.- Sarsi, Distt.- Purnea.

... .. Respondent/s

Appearance :

For the appellants/s : Mr.Pawan Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-10-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 18.02.2022 passed by the 1st Additional



Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in A.B.P. No. 09 of 2022 arising out of Sarsi P.S. Case No. 139 of 2021, registered for the offences punishable under Sections 147, 149, 341, 323, 325, 379 and 504 of the Indian Penal Code & Section 3(i)(r)(s)/3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons abused and assaulted the son of the informant by calling his caste name. The accused persons were uttering that the informant and his family members did not vote for the candidate of the accused person.

Learned counsel for the appellants has submitted that the occurrence did not take place due to malicious feeling of caste. There was rivalry due to election which is apparent from the FIR itself. He has also submitted that the injuries are simple in nature.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for bail and submitted that the accused persons have badly assaulted the son of the informant and they also abused him by calling his caste name.

The occurrence does not appear to have taken place due to malicious feeling of caste. The FIR shows that there is



rivalry in respect of panchayat election. The injuries are simple in nature.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 18.02.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Sarsi P.S. Case No. 139 of 2021.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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