

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1502 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- MAHARAJGANJ District- Siwan

1. Ram Awadh Mahto Son Of Keshwar Mahto Resident Of Village - Jagdishpur, P.S.- Maharajganj, District - Siwan.
2. Santu Mahto @ Santu Kumar Mahto Son of Jhabar Mahto @ Rajdharan Mahto Resident of village - Jagdishpur, P.S.- Maharajganj, District - Siwan.
3. Nand Kishor Mahto @ Nand Kishor Chauhan Son of Butan Mahto Resident of village - Jagdishpur, P.S.- Maharajganj, District - Siwan.
4. Amrendra Mahto @ Amrendra Kumar Mahto Son of Ram Singar Mahto Resident of village - Jagdishpur, P.S.- Maharajganj, District - Siwan.
5. Binod Sahni @ Vinod Sahni Son of Ajeet Sahni @ Arjun Sahni Resident of village - Jagdishpur, P.S.- Maharajganj, District - Siwan.
6. Mantu Mahto @ Mantu Kumar Mahto Son of Jhabar Mahto @ Rajdharan Mahto Resident of village - Jagdishpur, P.S.- Maharajganj, District - Siwan.
7. Akhilesh Mahto @ Akhilesh Kumar Chauhan Son of Nand Kishor Mahto @ Nand Kishor Chauhan Resident of village - Jagdishpur, P.S.- Maharajganj, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Manjhi Ram Sundar Manjhi R/o Sujan, P.S.- Nautan Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 17-11-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

02.04.2022 passed by learned 1st Additional Sessions

Judge-cum-Special Judge, Siwan in connection with



Maharajganj P.S. Case No. 297 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 323, 341, 342, 353, 307, 337, 504 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.

The accusations are of making assault, obstructing the police officials in discharge of their official duties and abusing by calling caste name.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case due to village politics. The appellants were not apprehended from the spot. No specific overt act has been attributed against the appellants. The injury report shows no bony injuries. 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.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated 02.04.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Maharajganj P.S. Case No. 297 of 2021.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail in the event of their 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 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Maharajganj P.S. Case No. 297 of 2021.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

