

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2947 of 2021**

Arising Out of PS. Case No.-224 Year-2018 Thana- LALGANJ District- Vaishali

PAPPU MAHTO S/O JANGBAHADUR MAHTO R/o village- Gidha, P.S.-  
Saraiya, District- Muzaffarpur, Bihar

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Anish Chandra, Advocate

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

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

2      09-05-2022      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 27.03.2021, passed by learned Additional Sessions Judge-I-cum- Spl. Judge, SC/ST Act, Vaishali at Hajipur, in connection with Lalganj P.S. Case No.224 of 2018, registered



under sections 302, 201, 34 of the IPC and sections 3(i)(r)(s), 3(ii) (v)(a) of the SC/ST Act.

Allegedly, the F.I.R. named accused persons have killed the husband of the informant and thrown the dead body in field.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. He is not named in the F.I.R. and his name transpired in the case during course of investigation. It is submitted that no case under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view. There is no specific allegation attributed against the appellant and there is no eye witness of the alleged occurrence. Appellant has no criminal antecedent and two F.I.R. named accused persons have been enlarged on anticipatory bail by the co-ordinate Bench of this Court.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that the charge sheet has been submitted in which the appellant has been declared absconder and he in connivance with other accused persons has killed the husband of the informant and thrown the dead body in a field.



The allegation is serious in nature, as such, he may not be given the privilege of anticipatory bail.

Considering the facts and circumstances of the case, since the appellant has been declared absconder, I am not inclined to grant him anticipatory bail. The prayer for grant of anticipatory bail to the appellant named above is hereby rejected.

The appeal is accordingly dismissed.

**(Anjani Kumar Sharan, J)**

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