

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2951 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- SC/ST District- Sitamarhi

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1. DEEPAK MAHTO S/o Dharmmlal Mahto Resident of Village - Kharsan, P.S. - Riga, District - Sitamarhi.
 2. Rajeev Mahto S/o Dharmmlal Mahto Resident of Village - Kharsan, P.S. - Riga, District - Sitamarhi.
 3. Sanjeev @ Sandeep Kumar S/O Dharmmlal Mahto Resident of Village - Kharsan, P.S. - Riga, District - Sitamarhi.
 4. Harendra Kumar @ Harendra Mahto S/o Ram Nandan Mahto Resident of Village - Kharsan, P.S. - Riga, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Thakur, Late Jay Kishun Thakur Resident of Village-Kharshan, Ward No. 5, P.S.-Riga, District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Virendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-10-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 23.03.2021, passed by learned 1st Additional Sessions Judge- cum- Special Judge, SC/ST (POA) Act,



Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No.21 of 2020, registered under sections 341, 323, 427, 379, 504, 506, 34 of the IPC and sections 3(I)(r)(s) of the SC/ST Act.

Allegedly, FIR named accused persons and some unknown persons stopped the motorcycle of the informant and abused him by taking caste name. Appellant no.1 and 2 assaulted him by means of lathi and damaged his motorcycle. On instigation of appellant no.1, all the accused persons assaulted the informant and his son but somehow his son fled away and on alarm, several persons assembled there and informant was saved.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. Appellants have no criminal antecedent. It is submitted that no offence under the SC/ST Act is made out against the appellants as the informant belongs to the '*Lohar*' caste and vide order dated 21.02.2022, the Apex Court has set aside the notification of the State Government, in which '*Lohar*' was kept in the category of SC/ST, vide WP (Civil) No.1052 of 2021. It is further submitted that the injuries are simple in nature. There is no specific allegation against the appellants to abuse the



informant by taking caste name.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that though the injuries are simple in nature but the appellants have snatched Rs.7000 from the informant and also damaged his motorcycle.

Considering the facts and circumstances of the case, since the allegation is general and omnibus in nature, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge- cum- Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No.21 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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