

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1946 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- SC/ST BETTIAH District- West  
Champaran

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1. Laxman Mahto, Son of Late Bishun Mahto, Resident of Village-Senuwariya Bhediharwa Tola, P.S.-Majhauria, District-West Champaran.
  2. Bhim Mahto alias Sadeep Mahto, Son of Late Yadolal Mahto, Resident of Village-Senuwariya Bhediharwa Tola, P.S.-Majhauria, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**

**ORAL JUDGMENT**

**Date : 22-09-2022**

Heard learned counsel for the appellants and learned  
Spl.PP for the State.

The office report shows notice has been validly served  
upon the respondent no.2/informant but no one is present on  
behalf of the respondent no.2/informant at the time of hearing.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks from the date of  
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 against the refusal of prayer for bail by  
order dated 09.05.2022 passed by the learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST, West Champaran at Bettiah, in connection with Bettiah SC/ST P.S. Case No. 27 of 2021, registered for the alleged offences under Sections 341, 323, 324, 307, 354-B, 379, 447, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i), (r), (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellants and other co-accused persons went to the house of the informant and by taking his caste name, abused him. They also assaulted the informant and his brother, mother and wife. Further allegation against the co-accused Birbal Kumar is that he gave *farsa* blow on the head of the informant.

The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. Only specific allegation is against co-accused Birbal Kumar and allegation against the appellants and other co-accused persons are general, vague and omnibus. There would be no application of provisions of SC/ST (POA) Act as the occurrence is stated to be taken place at the private place, it was not in a public view. Other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.08.2022 passed in Cr. Appeal (SJ) No. 4091



of 2021 including the co-accused Birbal Kumar. The case of the appellants are much better footing. The appellants are in custody since 01.03.2022. The appellants are having clean antecedent.

Learned Spl. PP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation against the appellants without attributing any specific overt act, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah, in connection with Bettiah SC/ST P.S. Case No. 27 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the appellants will be liable to  
be cancelled by the court concerned.

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

**(Arun Kumar Jha, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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