

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3559 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- MUFFASIL District- West Champaran

MUNNA MAHTO Son of Late Laxman Mahto Resident of Village- Dhangar  
toli, I.T.I. ward No. 14, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parwati Devi Munna Dhangad R/O Dhangad Toli, ITI, Ward No.-13, P.S.-  
Muffasil, District-West Champaran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Umesh Chandra Verma  
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

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

3      16-11-2022              Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

Despite valid service of notice, as per the office notes,  
nobody appears on behalf of respondent no.2.

Learned counsel for the appellant is directed to remove  
the defects within four weeks.

This is an appeal under section 14(A)(2) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act,  
1989 (as amended by the Amendment Act, 2015 (Act No.1 of  
2016) (hereinafter in short referred to as the ‘SC/ST Act’)  
against the refusal of prayer for anticipatory bail vide order  
dated 06.07.2021, passed by learned 1<sup>st</sup> Additional Sessions



Judge-cum- Spl. Judge, SC/ST, West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No.169 of 2020, registered u/s 341, 323, 354, 504/34 of the IPC and sections 3(1)(r)(s) of the SC and ST Act.

Allegedly, the appellant and one other FIR named accused person abused the informant while passing through her house. Thereafter, other accused persons assaulted her with fists and slaps. Her husband was also assaulted.

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. It is submitted that no case under the SC/ST Act is made out against the appellant as the occurrence is not said to have taken place in the public view. It is further submitted that the occurrence is alleged to have taken place on 27.10.2019 but the F.I.R. was lodged on 19.03.2020 i.e. after a delay of more than five months. No plausible explanation regarding such delay has been given by the appellant which creates doubt about the prosecution case. There is no specific allegation as to who hurled abuses in the caste name of the informant. Appellant has no criminal antecedent.



Learned Spl. PP for the State opposed the prayer for bail.

Considering the delay in lodging the F.I.R., the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum- Spl. Judge, SC/ST Act, West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No.169 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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