

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2564 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- SC/ST District- Samastipur

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1. SUKKAN MAHTO S/o- Late Sharwan Mahto
 2. Reeta Devi W/o- Sukan Mahto
 3. Raj Kumar Mahto @ Raj Kumar @ Raju Kumar @ Rajeev Kumar S/o- Sukan Mahto
 4. Vindeshwar Mahto @ Vindeshwari Mahto S/o- Dhaneshwar Mahto
 5. Ajeet Mahto Son of Fuleshwar Mahto
 6. Dhaneshwar Mahto Son of Late Dina Mahto
 7. Mukesh Mahto Son of Baidyanath Mahto
All Resident of Village - Boria, P.S. - Bibhutipur, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Puja Devi Wife of Mohan Ram Resident of Village - Boria, P.S. - Bibhutipur, District - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mirityunjay Kumar, .Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Bimal Kumar Sinha, Advocate
	:	Mr.Shishir Kumar Shishir, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-12-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the appellants, learned counsel for the informant and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 07.06.2022 in A.B.P. No.1253 of 2022 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P.S.Case No. 07 of 2022 registered under Sections 147,149,341,323,354B, 379,504,506 of the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in short, is that the allegation against the appellants is that they assaulted the informant and abused her by her caste name.

Learned counsel for the appellants submits that the appellant Nos.2 to 7 have clean antecedent. Appellant No.1 has got one criminal antecedent. Further submits that the background of the case due to land dispute between the parties and it appears from the FIR that there is general and omnibus allegation and it appears from the FIR that the date of occurrence as alleged in the FIR is 16.12.2021 but the present FIR has been instituted on 19.01.2022 after delay of about one month without giving any explanation of delay. Further submits that it appears from the FIR that there is general and omnibus allegation against all the appellants and there is no specific allegation of any overt-act or assault against all the appellants



and there is no injury report on the record.

The learned counsel for the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the appellants.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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