

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3997 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- SC/ST District- Samastipur

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1. BAIJNATH MAHTO @ VAIJNATH MAHTO Son of Ram Awatar Mahto @ Ramavtar Mahto @ Ram Autar Mahto Resident of Village - Harpur Barhetta, P.s.- Sarairanjan, Distt.- Samastipur.
 2. Anil Mahto @ Anil Kumar @ Anil Kumar Mahto Son of Ram Awatar Mahto @ Ramavtar Mahto @ Ram Autar Mahto Resident of Village - Harpur Barhetta, P.s.- Sarairanjan, Distt.- Samastipur.
 3. Ram Awatar Mahto @ Ramavtar Mahto @ Ram Autar Mahto Son of Late Gulab Chandra Mahto Resident of Village - Harpur Barhetta, P.s.- Sarairanjan, Distt.- Samastipur.
 4. Ram Prakash Mahto @ Ram Pragasa Mahto Son of Late Gulab Chandra Mahto Resident of Village - Harpur Barhetta, P.s.- Sarairanjan, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagbali Ram Son of Rampukar Ram, Resident of Village-Jhakhara Pataili, Sarairanjan, District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 05-09-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 03.07.2021 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with SC/ST P.S. Case No. 13 of 2020 registered for offence punishable under sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and sections 3 (1) (r) (s) (w) (i), 3 (2) (va) of the SC/ST (POA) Act, 1989 (Amendment 2015), whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the appellants assaulted the family members of the informant. They also misbehaved the female members of his family and abused them by calling their caste names

The learned counsel for the appellants has submitted that appellant no. 1, Baijnath Mahto has filed Title Suit No.367/2017 as well as Complaint Case No. 550/2019 against one Krishna Bhagwan Jha and at the instance of Krishna Bhagwan Jha, the informant has lodged the present case. The signature of Krishna Bhagwan Jha is also present at the *fardbeyan*, which shows that he is instrumental in instigating the informant for lodging of this false FIR.

On the other hand, the learned counsel for the



informant has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 03.07.2021 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with SC/ST P.S. Case No. 13 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/Nirmal

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