

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4062 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST District- Darbhanga

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1. SANTOSH MAHTO Son of Late Mahabir Mahto Resident of Rudalganj Gangasagar, Ward No.- 28, P.S.- Laheriasarai, District - Darbhanga.
 2. Suman Mahto Son of Santosh Mahto Resident of Rudalganj Gangasagar, Ward No.- 28, P.S.- Laheriasarai, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Kumar Mahto Deep Shankar Mahto R/O-Rudalganj, Gangasagar, Ward No.-28 P.S.-Laheriasarai, District-Darbhang

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Das
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 27-09-2022 Heard learned counsel for the appellants.

Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 17.07.2021 passed in connection with SC/ST P.S.Case No. 34 of 2021 registered for the offences punishable under Sections 341, 323, 342, 385, 147, 148, 447, 504 and 506 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s), 3(1)(a) of SC and ST (Prevention



of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the FIR named accused persons equipped with *lathi*, *danda*, knife, blade etc. assaulted the informant when he was coming back to his house. The further allegation is that appellant no.1 demanded Rs. 5000/- as *rangdari* apprising the informant that due to lock-down he is on the verge of starvation. He also stated that the informant has earned much from the photo copier machine and his father has enough money as he receives pension. The accused persons assaulted the informant and his brother and also abused him by calling his caste name.

Learned counsel for the appellants has submitted that they are the persons of clean antecedent. As a matter of fact, both the parties are running photo copier machines and the occurrence took place due to business rivalry and they have falsely been implicated in this case and it is not a case of intentional insult due to malicious feeling of caste.

Considering the facts and circumstances, especially the clean antecedent of the appellants, the appeal is allowed and the impugned order dated 17.07.2021 is set aside. Accordingly, in the event of arrest or surrender within four weeks from today,



the appellants, above-named shall 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 1st Additional Sessions -cum-Special Judge, (POA Act) Darbhanga in connection with SC/ST P.S.Case No. 34 of 2021.

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

(Nawneet Kumar Pandey, J)

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