

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.633 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- SIDHWALIYA District- Gopalganj

1. Dilip Mahto Son of Ram Prasad Mahto Resident of Village-Bucheya (Kab Jee Ke Tola), P.S.-Sidhwaliya, District-Gopalganj.
2. Shatrudhan Mahto Son of Ram Prasad Mahto Resident of Village-Bucheya (Kab Jee Ke Tola), P.S.-Sidhwaliya, District-Gopalganj.
3. Indal Mahto S/o Shiv Prasad Mahto Resident of Village-Bucheya (Kab Jee Ke Tola), P.S.-Sidhwaliya, District-Gopalganj.
4. Kameshwar Mahto S/o Sri Bhagwan Mahto Resident of Village-Bucheya (Kab Jee Ke Tola), P.S.-Sidhwaliya, District-Gopalganj.
5. Meetar Mahto @ Majistar Mahto S/o Late Babu Lal Mahto Resident of Village-Bucheya (Kab Jee Ke Tola), P.S.-Sidhwaliya, District-Gopalganj.
6. Sandeep Mahto S/o Meetar Mahto @ Majistar Mahto Resident of Village-Bucheya (Kab Jee Ke Tola), P.S.-Sidhwaliya, District-Gopalganj.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Satyadeo Mahto Late Ramashish Mahto Resident of village-Buchiya (kab jee ke tola) P.S.- Sidhwaliya, District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Pratap Singh
For the State	:	Mr. Sadanand Paswan

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

3 05-04-2022 Heard learned counsel for the parties.

Vide order dated 01.11.2021, notice was issued to the respondent no. 2. Office pointed out that notice has been validly served upon the wife of respondent no. 2 but nobody appears on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for bail vide order dated 20.10.2020, passed by learned Additional District and Sessions Judge, 1st -cum-Special Judge SC/ST Act, Gopalganj in connection with Sidhwaliya P.S. Case No. 83 of 2020, registered under Sections 147, 149, 323, 324, 324, 341, 307 and 379 of the IPC and Sections 3 (i) (r) (s) of the SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that occurrence took place on 11.05.2020 and the FIR has been registered on 17.05.2020 after a long delay of six days of the occurrence but no explanation has been given regarding such delay. He submits that occurrence took place at the house of the informant as such, no SC/ST Act is applicable against the appellant. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

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

Considering the fact that there is admitted land dispute between the parties, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 1st -cum-Special Judge SC/ST Act, Gopalganj in connection with Sidhwaliya P.S. Case No. 83 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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