

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4220 of 2021**

Arising Out of PS. Case No.-202 Year-2020 Thana- KHAGARIA District- Khagaria

CHANDAN MAHTO @ CHANDAN KUMAR S/o NARESH MAHTO R/o
VILLAGE-LAVGHARIYA SOUTH BHADAS, P.S-MUFFASIL, DISTRICT-
KHAGARIA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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

3 27-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual Court
proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 22.09.2021 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Khagaria in connection
with Khagaria (Muffasil) P.S. Case No. 202 of 2020 registered
under Sections 341, 323, 354B, 504, 506 & 379/34 of the Indian
Penal Code and Section 3(1) (x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



The accusation against this appellant is that he pointed country made pistol on the daughter of the informant with ill motive.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of two days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 15.09.2021.

Heard learned counsel for the appellant and perused the case record. *Prima facie*, no offence under SC/ST Act is made out against the appellant, hence there is no need to issue notice to the informant.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Khagaria in connection with Khagaria (Muffasil) P.S. Case No.202 of 2020.

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

(Anjani Kumar Sharan, J)

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