

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3066 of 2022**

Arising Out of PS. Case No.-101 Year-2022 Thana- PANAPUR District- Saran

Ramayan Mahto, Son Of Late Raghuni Mahto, R/O Village- Semri, P.S.-
Panapur, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gaurav Kumar, Advocate
For the State	:	Mr.Binay Krishna, Spl.PP
For the Informant	:	Mr. Rajesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 13-10-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 02.08.2022 passed by the learned Additional District
Judge-3rd-cum-Special Judge SC/ST(POA) Act, Saran at
Chapra in connection with Panapur P.S. Case No. 101 of 2022,
registered for the alleged offences under Sections 147, 149, 302,
504 and 506 of the Indian Penal Code and Section 3 (i)(r)(s) of
the Scheduled Castes and Scheduled Tribes (POA) Act.



As per the prosecution case, the appellant and other co-accused persons variously armed with iron rod, *lathi*, *danda* and firearms, took away the sleeping son of the informant and brutally assaulted him. They threw the unconscious injured body of the son of the informant at his house. During treatment the son of the informant succumbed to his injuries.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is apparent from the FIR that the informant is not an eye-witness and no one has seen the occurrence. The allegations are general and omnibus against the appellant and other co-accused persons. Even during examination, none of the witnesses have stated about appellant assaulting the son of the informant though they stated about assault by his family members and others. Even these witnesses have stated in general terms about family members of Ramayan Mahto and family members co-accused Muktinath Mahto assaulting the son of the informant. But no specific overt act has been attributed either to this appellant or any of the co-accused persons. Learned counsel further submits that the FIR has been lodged after delay of three days and no reasonable explanation has been given for such delay which shows the informant has lodged this false and concocted case as an afterthought against this appellant. The appellant is in custody since 21.05.2022 and charge sheet has been submitted in this case.



Learned Spl.PP as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that the appellant has been named in the FIR and there is specific allegation against him that he along with other co-accused persons took away the sleeping son of the informant and thereafter he was assaulted in the house of this appellant and due to this assault the son of the informant lost his life. Learned counsel further submits that all the witnesses have supported the prosecution case about the deceased being assaulted in the house of this appellant. Learned counsel further submits that the post-mortem report also supports the fact that the deceased was brutally assaulted and cause of death has been stated to be hemorrhage and shock resulting from multiple fracture by hard and blunt substance.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to this appellant and absence of cogent material on record to connect the appellant with the alleged offence and also considering his period of custody and submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Additional District Judge-3rd-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Panapur P.S. Case No. 101 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the appellant, preferably one of the parents.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.10.2022
Transmission Date	14.10.2022

