

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4338 of 2021**

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

SIKANDAR MAHTO @ SIKANDAR SAH S/O SRI MOHAN MAHTO R/o
village- Pokhariya Rai, P.S.- Chanpatia, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Basudeo Ram son of Sri Tulsi Ram resident of village- Pokhariya Rai, Ambedkar Nagar, Ward No. 12, P.S.- Chanpatia, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Ms. Usha Kumari 1

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

4 21-04-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

Vide order dated 05.01.2022 notice was issued to respondent no.2. *Vakalatnama* has also been filed on behalf 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, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 07.08.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, West Champaran, Bettiah in connection with Chanpatia P.S. Case No.140 of 2020, registered under



Sections 147, 148, 149, 341, 323, 324, 307, 354, 427, 448, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act as well as under Sections 3 (i)(r)(s)w(i)3(2)(v)(va) of the SC/ST Act.

The informant alleged that on 05.04.2020 at 7.00 P.M., the appellant along with other co-accused persons came and started abusing the informant by naming his caste, looted him and attacked by means of different weapons. The appellant and co-accused Laddoo are said to have assaulted Sunil Ram on his head by means of *farsa* and Sunil Ram sustained severe injury on his head. Other co-accused persons outraged the modesty of female members assaulted many persons.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that no occurrence, as alleged, has ever been taken place. It is submitted that due to previous enmity, the appellant has been made accused in the case. Co-accused, Laddoo has already been granted bail by the learned court below and the case of the appellant is exactly on the same footing. The appellant is in custody since 18.12.2020.

Learned Special P.P. for the State opposes the prayer for bail of the appellant and submits that there is specific



allegation against the appellant to assault on the head of Sunil Ram. The doctor found the cause of death due to cranio cerebral damage resulting from head injury caused by hard and blunt objects.

Taking into consideration the fact that there is specific allegation against the appellant, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected.

However, the trial court is directed to expedite the trial of the appellant.

(Anjani Kumar Sharan, J.)

Sanjay/-

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