

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4384 of 2021

Arising Out of PS. Case No.-137 Year-2021 Thana- CHAKIA District- East Champaran

RAMESHWAR MAHATO @ RAMASHRAY MAHATO Son of Bhajan Mahato Resident of Village - Persauni Khem, P.S.- Chakia, Distt.- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ragni Kumari Bitu Ram @Pintu Ram Village-Persauni Khem,P.S-Chakiya,District-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-02-2022 Vide order dated 02.11.2021, notice was directed to be issued upon respondent and as per the office notes, the respondent no.2 refused to accept the notice, as such, nobody has entered appearance on behalf of the respondent no.2.

Heard learned counsel for the appellant and learned Spl.P.P for the State through virtual Court proceedings.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 28.09.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), East Champaran, Motihari, in connection with Chakiya P.S. Case No.137 of 2021,



registered under sections 341, 323, 324, 307, 504, 506, 34 of the IPC and section 3(r)(s) of the SC/ST Act but subsequently section 302 IPC was added.

The allegation against the appellant is that he along with other accused persons with a view to kill the informant's husband has attacked and thrown him. They used to abuse him in caste name. Thereafter, during course of treatment, the husband of the informant succumbed to the injuries.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case due to dirty village politics. There is an admitted enmity between the parties and only on suspicion the name of appellant has transpired in this case. There is no specific allegation against the appellant and the allegations mentioned in the FIR is general and omnibus in nature. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is an unexplained delay of six days in lodging the present case which creates doubt about the prosecution case. There is no eye-witness to the alleged occurrence. The appellant has been languishing in custody since 11.08.2021.



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

In the facts and circumstance of the case, since there is no specific allegation against the appellant, as such, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST), East Champaran, Motihari, in connection with Chakiya P.S. Case No.137 of 2021.

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

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

