

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4400 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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ANIL MAHTO Son of Kesho Mahto Resident of Village - Rajakpur, P.S.-
Naokothi, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi Mahesh Paswan Village-Razakpur, Ward No.-14, P.S-
Nawkothe, District-Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Arjun Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Shashi Dhar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-03-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court functioning. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

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 17.09.2021, passed by the learned Special Judge, SC/ST (POA), Begusarai,



in connection with Nowkothi P.S. Case No.114/2021, corresponding to G.R. No.92/2021, registered under sections 147, 323, 325, 504, 506, 354, 307 of the IPC read with sections 3(i)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

The prosecution case in brief, is that the appellant along with other accused persons, in furtherance of their common intention assaulted the informant and her daughter with an intention to kill by means of lathi, danda and iron rod and also abused her in caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case on account of prior dispute between the parties. There is general and omnibus allegation against all the accused persons. It is submitted by learned counsel for the appellant that the parties have compromised the case and this fact is also not denied by the learned counsel for the respondent no.2. The appellant is languishing in custody since 16.08.2021 and has no one criminal antecedent.

In the facts and circumstance of the case, since there is a compromise between the parties, let the above named appellant 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 Special Judge, SC/ST (POA), Begusarai, in connection with Nowkothi P.S. Case No.114/2021, corresponding to G.R. No.92/2021.

The impugned order is set aside and the appeal is accordingly allowed.

(Anjani Kumar Sharan, J)

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