

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4481 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- JANTA BAZAR District- Saran

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1. GANESH MAHTO S/O KHEDAN MAHTO R/o village- Mirzapur, P.S.- Janta Bazar, District- Saran
 2. Lakshman Mahto S/o Khedan Mahto R/o village- Mirzapur, P.S.- Janta Bazar, District- Saran
 3. Sanket Kumar S/o Ugrin Mahto R/o village- Mirzapur, P.S.- Janta Bazar, District- Saran
 4. Bhushan Kumar S/o Lakshman Mahto R/o village- Mirzapur, P.S.- Janta Bazar, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Ram Resident of village-Mirzapur,P.S-Janta Bazar,District-Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs.Shweta Kumari
For the Respondent/s	:	Mrs.Usha Kumari 1
		Mr.Tej Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard the parties.

Learned counsel for the appellants is directed to remove the defects within four weeks.

Defect No.7 is ignored for the present, in view of the Apex Court order dated 10.01.2020, in *Re: Cognizance for Extension of Limitation*, Suo Moto Writ (Civil) No.3 of 2022.

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 of anticipatory bail vide order dated 05.01.2021 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No.132 of 2020 registered under Sections 307, 147, 447, 341, 323, 504 of the Indian Penal Code and Section 3(1) 4(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. The specific allegation is attributed towards Aakash Kumar and Neeraj Kumar to assault by means of iron rod. He further submits that there is no specific allegation against the appellants to abuse the informant by taking caste name. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail and submits that the appellants threatened the informant to withdraw the present case.



Considering the facts and circumstances of the case, since there is general and omnibus allegation against the appellants, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Janta Bazar P.S. Case No.132 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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