

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4456 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- GAURICHAK District- Patna

MADAN MAHTO @ MADAN PRASAD Son of Late Sadhu Mahto Resident
of Village - Gopal Tola (Gopalganj), P.S.- Gaurichak, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indal Kumar Late Rohan Paswan Resident of-Gopal Tola,P.S.-Gaurichak,
District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajeev Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Kameshwar Singh, Adv. Ms.Lalsa Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-03-2022 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 23.09.2021 passed by learned Special Judge, SC/ST, Patna in Special Case No.155 of 2020 arising out of Gauri Chak P.S. Case No.83 of 2020 registered under sections 147, 148, 149, 109, 448, 341, 323, 302, 201 and 504 IPC and sections 3(2)(v) of the SC/ST Act.

The prosecution case in short is that the appellant and other accused persons came to house of the informant, started



abusing them and said that your father in spite of warning continued fishing. It is further alleged that later on the accused persons variously armed, entered in his house and started searching the father of the informant. Then they assaulted the mother and father of the informant and took his father with them. It is alleged that thereafter the dead body of his father was found in Jalala Khanda below a tree.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. He has been falsely implicated in the present case due to dirty village politics. No such occurrence has taken place and the allegations are concocted. The deceased was a veteran criminal and accused in several cases. In one case, two co-accused are witnesses and hence this appellant is made accused along with them. There is no eye-witness to the occurrence and no specific allegation against the appellant. The co-accused Awadhesh Mahto @ Jeek Mahto has been granted bail by a co-ordinate bench of this court vide Cr. Appeal (SJ) No.2140 of 2020 dated 05.01.2021. Other co-accused namely Mohan Mahto, Karu Mahto @Kari Mahto and Deobrat Mahto @ Dev Brat Mahto have been granted anticipatory bail vide Cr.Appeal (SJ) No.119 of 2021 dated 02.03.2021 by a co-ordinate Bench



of this court. Further, the accusation does not constitute any offence under SC/ST Act inasmuch as there is no allegation that the alleged occurrence has taken place in public. The appellant has been languishing in custody since 23.08.2021 and has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that the appellant is involved in the alleged offence.

Considering the aforesaid facts and circumstances, 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 Special Judge, SC/ST, Patna in connection with Gauri Chak P.S. Case No.83 of 2020.

Impugned order is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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