

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4618 of 2021

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

TENI MAHTO @ SATYADEV MAHATO Son of Ram Shwroop Mahto
Resident of Village - Parshauni, Klam, P.S.- Chakia, District - East
Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ragni Kumari W/o- Bitu Ram @ Pintu Ram R/o Village- Parshauni Khem,
P.S.- Chakiya, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-05-2022 Heard learned counsel for the appellant and learned
Spl.P.P for the State.

Vide order dated 02.03.2022, notice was directed to be
issued upon respondent no.2 and as per the office notes,
respondent no.2 has received the notice but refused to put
signature on service report and nobody has entered appearance
on her behalf. As such, the appeal is being heard without any
representation on behalf of respondent no.2.

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 Act), East Champaran, Motihari, in connection with Chakia 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)(v) of the SC/ST Act.

Allegedly, as per the FIR, the husband of the informant has been killed by the appellant and other accused persons. They used to abuse him for removing his shop from the chowk.

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 and similarly situated co-accused namely Rameshwar Mahto @ Ramashray Mahato



has been granted bail by this Court vide order dated 08.02.2022 passed in Cr. Appeal (SJ) No.4384 of 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 and similarly situated co-accused has been granted bail, 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 Chakia P.S. Case No.137 of 2021.

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

(Anjani Kumar Sharan, J)

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