

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4615 of 2021

Arising Out of PS. Case No.-183 Year-2021 Thana- LALGANJ District- Vaishali

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1. SHIV CHANDRA MAHTO S/O MANGAL MAHTO R/o village- Salempur, P.S.- Lalganj, District- Vaishali
 2. Rup Chandra Mahto S/o Mangal Mahto R/o village- Salempur, P.S.- Lalganj, District- Vaishali
 3. Ram Chandra Mahto S/o Late Rajendra Mahto R/o village- Salempur, P.S.- Lalganj, District- Vaishali
 4. Ajeet Kumar S/o Ram Chandra Mahto R/o village- Salempur, P.S.- Lalganj, District- Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bhikari Baitha Son Of Mohan Baitha R/O Vill- Salempur, P.S.- Lalganj, Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyameshwar Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Notice was validly served upon the respondent no.2
but nobody appeared on behalf of the respondent no.2.

Learned counsel for the appellants undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken 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 of anticipatory bail vide order dated 25.10.2021 passed by learned 1st Additional District and Sessions Judge-Cum-Special Judge, Vaishali in connection with Lalganj P.S. Case No. 183/2021 registered under Sections 341, 323, 324, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(r)(s) 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. He relied upon the judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710*. There is no allegation against the appellants of abusing by taking the caste name hence no case is made out under SC/ST Act against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.



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

In the facts and circumstances of the case, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-Cum-Special Judge, Vaishali in connection with Lalganj P.S. Case No. 183/2021, 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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