

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4869 of 2021

Arising Out of PS. Case No.-598 Year-2020 Thana- MUFFASIL District- West Champaran

2. Wakil Mahato Son of Girdhari Mahato R/O village - Barwat Sena, P.S.- Bettiah (Muffasil), District - West Champaran.
3. Ramvinay Mahato @ Vinay Mahato Son of Late Chintaman Mahato R/O village - Barwat Sena, P.S.- Bettiah (Muffasil), District - West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Bimlesh Kumar Pandey
For the Respondent/s	:	Mr.Sadanand Paswan
For the O.P. No. 2	:	Mr. Ashok Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

4 31-08-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

I have already heard learned counsel for the appellants as well as learned counsel for the informant.

At the outset, learned counsel for the appellants has submitted that the appellant Nos. 1 and 4 were arrested and the appeal in their respect is dismissed as withdrawn.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 07.07.2021 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, SC/ST, West Champaran in A.B.P. No. 831 of 2021 arising out of Bettiah (Muffasil) P.S. Case No. 598 of



2020, registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code & Section 3(i)(r) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, six accused persons named in the FIR surrounded the informant and co-accused Prahlad Mahto and Shambhu Mahto caught him hold and petitioner No. 1 abused him by calling his caste name and also put *gamacha* around his neck. The informant became injured. They also threatened him not to lodge case against the appellants.

Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated. There is previous enmity between them. He has also submitted that the cases between the parties have been compromised. He has submitted further that co-accused persons have been granted bail by the coordinate Bench of this Court in Cr. Appeal (SJ) No. 2003 of 2021.

As such, the appeal is allowed and the impugned order dated 07.07.2021 passed by the learned Additional District and Sessions Judge 1st cum Special Judge (SC/ST), West Champaran at Bettiah is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge, West Champaran at Bettiah in connection with Bettiah (Muffasil) P.S. Case No. 598 of 2020.

Office shall ensure that all defects are removed by the appellants within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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