

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4940 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. PAHARI MAHTO @ PANDIT MAHTO Son of Late Bahadur Mahto Resident of Village - Hardiya, P.S.- Mufassil, Distt.- Begusarai.
 2. GOPAL MAHTO @ GOPAL KUMAR MAHTO Son of Late Bahadur Mahto Resident of Village - Hardiya, P.S.- Mufassil, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kari Mandal son of late Saryug Mandal, R/O village- Hardiya Tola, P.S.- Mufassil, District-Begusarai.

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 11 of 2022

Arising Out of PS. Case No.-52 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. RAJIV MAHTO @ MORAL MAHTO Son of Late Manshi Mahto @ Munsli Mahto, Resident of Village- Hardiya, P.S.- Muffasil, District- Begusarai.
 2. Bachchan Mahto Son of Kalo Mahto @ Kaleshwar Mahto, Resident of Village- Hardiya, P.S.- Muffasil, District- Begusarai.
 3. Ram Babu Mahto Son of Late Narayan Mahto, Resident of Village- Hardiya, P.S.- Muffasil, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kari Mandal Son of Late Saryug Mandal, R/o village- Hardiya Tola ,P.S.- Muffasil, District- Begusari

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 4940 of 2021)

For the Appellant/s : Mr.Shashank Shekhar

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 11 of 2022)

For the Appellant/s : Mr.Sanjana

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY



ORAL ORDER

3 11-07-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the complainant as well as the learned Special Public Prosecutor for the State.

The appellants apprehend their arrest in connection with Complaint Case No. 52C/2020 registered for offence punishable under sections 323, 341/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The complainant, Kari Mandal, made allegation that the accused persons assaulted and abused him in filthy words by calling his caste name. The accused persons also abused the complainant's wife and outraged her modesty. Co-accused Rajiv Mahto alias Moral Mahto snatched Rs. 6,000/- from the pocket of the son of informant. Further allegation is that the accused persons wanted to snatch his licensee revolver. The complainant is a retired personnel of C.R.P.F.. The allegation against petitioner No. 1, Pahari Mahto is that he spitted on the face of the informant.

The learned counsel for the appellants has submitted



that the appellants are the persons of clean antecedents. The specific allegation of spiting is against appellant no. 1, Pahari Mahto. So far as other accused persons are concerned, the allegation is general and omnibus. He has also submitted that in solemn affirmation, the informant has stated that there is no land dispute between the parties, whereas his wife, who has been examined as P.W. 2, has stated that the occurrence took place due to land dispute.

It appears that there is land dispute between the parties. The allegations against the other co-accused persons, except the appellant Pahari Mahto, are general and omnibus. The allegation against the appellant Pahari Mahto is of spiting on face of the complainant. It appears that the provisions of SC/ST Act are not attracted *prima facie* against other co-accused persons except appellant Pahari Mahto alias Pandit Mahto. **Accordingly the prayer for anticipatory bail with respect to appellant no.1, Pahari Mahto alias Pandit Mahto is rejected.**

So far as other appellants are concerned, their prayer for anticipatory bail is allowed and the impugned order dated 02.12.2021 passed by the Special Judge, SC/ST (POA) Act, Begusarai in A.B.P. No. 1587 of 2021, arising out of Complaint Case No. 52C of 2020 is set aside.



Let the appellants, namely, Gopal Mahto @ Gopal Kumar Mahto, Rajiv Mahto @ Moral Mahto, Bachchan Mahto and Ram Babu Mahto, in the event of their arrest or surrender, within four weeks from today, **be released** on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Complaint Case No. 52C of 2020.

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

(Nawneet Kumar Pandey, J)

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