

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4165 of 2019**

Arising Out of PS. Case No.-21 Year-2018 Thana- MAINATAND District- West Champaran

JAGAT MAHTO Son of Jagdish Mahto Resident of Village- Lipni, P.S.-
Mainatand, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajeshwar Sharma S/o Bharat Sharma R/o Village- Ramnagari, P.S.-
Mainatand, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Anis Akhtar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

7 24-01-2022 Heard the parties through virtual court proceedings.

On 29.11.2021, informant was made respondent no.2 in this case and thereafter, notice was directed to be issued upon the respondent no.2. As per the office notes, notice has been validly served through both modes upon the respondent no.2 but today when the case is called out, nobody appears on behalf of the respondent no.2.

This is an appeal under section 14A (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 anticipatory bail vide order dated 17.05.2019, passed by learned 1st Additional Sessions Judge-cum- Spl. Judge, West Champaran



at Bettiah, in connection with Mainatand P.S. Case No.21 of 2018, registered under sections 341, 323, 325, 504, 308, 379 and 354 of the IPC and sections 3(i)(w) of the SC and ST Act.

The prosecution case in short is that all the named accused persons along with 4-5 unknown persons, during a 'Barat' were trying to molest the Orchestra dancer and when the informant objected the same, they assaulted the informant. It is alleged that when informant's brother came to save him, the accused also assaulted him and snatched his money.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. There is no specific allegation against the appellant rather the allegation is general and omnibus in nature. The only allegation against the appellant is that when informant fell down, he took out Rs.50,000/-. The injuries are simple in nature. It is submitted that no case under the SC/ST Act is made out against the appellant as there is no allegation against him to have abused the informant by caste name nor there is any allegation of assault attributed upon him. Similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide



order dated 07.01.2019 passed in Cr. Appeal(SJ) No.3608 of 2018 and appellant has no criminal antecedent.

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

Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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- Spl. Judge, West Champaran at Bettiah, in connection with Mainatand P.S. Case No.21 of 2018, 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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