

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4801 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- SC/ST District- Jehanabad

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1. AMRENDRA MAHTO Son of Shiv Jatan Mahto Resident of Village - Machhil, P.S.- Makhdumpur, District- Jehanabad
 2. Sanjeet Kumar @ Sanjeet Mahto Son of Devanand Mahto Resident of Village - Machhil, P.S.- Makhdumpur, District- Jehanabad
 3. Ran Vijay Mahto @ Ram Vijay Mahto Son of Ram Kishun Mahto @ Ramvishun Mahto Resident of Village - Machhil, P.S.- Makhdumpur, District- Jehanabad
 4. Ranjeet Mahto Son of Devanand Mahto Resident of Village - Machhil, P.S.- Makhdumpur, District- Jehanabad
 5. Gautam Mahto Son of Birendra Mahto Resident of Village - Machhil, P.S.- Makhdumpur, District- Jehanabad
 6. Ajeet Mahto Son of Late Bali Mahto Resident of Village - Khajpura, P.S.- Makhdumpur, District- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi Suresh Paswan R/o Vill- Machhil, P.S.- Makhdumpur, District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-04-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though notice was issued to the respondent No.2, in compliance of the order dated 15.11.2021 and as per service report, respondent no.2 refused to accept the notice, as such it is treated to be validly served but nobody appears on behalf of the respondent No.2.

This is an appeal under section 14(A) (2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 09.08.2019, passed by learned Additional Judge- 1st, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No.23 of 2019, registered under sections 147, 149, 323, 354(B), 379, 504, 452, 506/34 of the IPC and sections 3 (i) (r) (s) (w) and 3 (2) (va) of the SC/ST (POA) Act.

The informant named nine accused persons including the appellants and alleged that they having armed with different weapons forcibly entered into her house. Devanand Mahto assaulted the informant with Khanti on her head and also caught her hand with bad intention. Devanand Mahto also snatched her ornaments. Virendra Mahto and Amrendra Mahto caught the hand of the daughter-in-law of the informant with bad intention and assaulted her. The accused persons snatched money from the pocket of the son of the informant.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged ever taken place. Appellants have been falsely implicated in the case due to previous enmity and dirty village politics. It is submitted that there is a case and



counter-case between the parties and in the alleged occurrence both sides have sustained injuries. The injury on the person of the informant is simple in nature, which is also mentioned at para-40 of the case diary. It is submitted that no case under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view and is said to have taken place in the house of the informant. There is no specific allegation against the appellants rather the allegation is general and omnibus in nature. Similarly situated co-accused namely Jag Naryan Mahto @ Jag Narayan Prasad has been granted anticipatory bail vide order dated 23.02.2021 passed in Cr. Appeal (SJ) No.324 of 2020 by a co-ordinate Bench of this Court. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, considering that the injuries are simple in nature and similarly situated co-accused has been granted anticipatory bail, the appellants named above, in the event of their 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) each with two



sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- 1st, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No.23 of 2019, 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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