

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5219 of 2019**

Arising Out of PS. Case No.-112 Year-2019 Thana- KHAIRA District- Saran

1. SHOBHNATH MAHTO Son of Baijnath Mahto Resident of Village - Chak Saraf, Police Station - Khaira, District - Saran.
2. Sunil Mahto @ Sunil Kumar Mahto Son of Jagan Mahto Resident of Village - Chak Saraf, Police Station - Khaira, District - Saran.
3. Sudish Mahto Son of Jagan Mahto Resident of Village - Chak Saraf, Police Station - Khaira, District - Saran.
4. Sonu Kumar Mahto @ Sonu Mahto Son of Sila Mahto Resident of Village - Chak Saraf, Police Station - Khaira, District - Saran.
5. Anu Mahto @ Anu Kumar Son of Shilanath Mahto Resident of Village - Chak Saraf, Police Station - Khaira, District - Saran.
6. Baijnath Mahto @ Vaidyanath Mahto Son of Ramayan Mahto Resident of Village - Chak Saraf, Police Station - Khaira, District - Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

|                      |   |                    |
|----------------------|---|--------------------|
| For the Appellant/s  | : | Mr. Najmul Hoda    |
| For the Respondent/s | : | Mr.Sadanand Paswan |

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

6      17-01-2022              Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceeding.

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 bail vide order dated 23.10.2019, passed by learned Additional District and Sessions Judge-I-cum-Special Judge (SC/ST Act), Saran in connection with Khaira P.S. Case



No. 112 of 2019, registered under Sections 147, 323, 341, 324, 307, 354, 504, 506 and 379 of the IPC and Sections 3(I) (r) and 3 (2) (va) of SC/ST Act.

Prosecution case is that 11 accused persons who are close neighbours of the informant wanted to enclose the Rasta of the informant by fencing it. On objection, Shivnath Mahto abused and came near and said “Sala Dusadh Ka Man Badh Gaya Hai and Sonu Mahto assaulted the informant on the head with Farsa which caused injury.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is land dispute and case and counter case between the parties. All the alleged injuries are superficial in nature. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that specific allegation of assault upon the appellants and one Shivnath Mahto and there is specific allegation of abusing the informant by taking caste name.

Considering the facts and circumstances of the case, I am



not inclined to enlarge the appellants on bail. Accordingly, the  
prayer for bail of the appellants is rejected in connection with  
Khaira P.S. Case No. 112 of 2019.

**(Anjani Kumar Sharan, J)**

devendra/-

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