

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5863 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- NAANPUR District- Sitamarhi

1. RAM SAKAL MAHTO Son of Late Mahesh Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
2. Bhagya Narayan Mahto @ Bhagnarayan Mahto Son of Ram Sogarath Mahto @ Sogarath Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
3. Surendra Mahto @ Sulindra Mahto Son of Lakshmi Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
4. Ajit Mahto Son of Ram Sakal Mahto Resident of Village - Sauriya, Panchayat Radhi, Thana- Jale, Distt.- Darbhanga.
5. Parikshan Mahto Son of Late Mahaveer Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
6. Rambabu Mahto Son of Jirai Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
7. Ravi Kumar @ Ravi Mahto Son of Umesh Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
8. Shani Kumar Son of Umesh Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
9. Ramesh Mahto Son of Harinandan Mahto @ Puran Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
10. Vijay Mahto @ Vijay Kumar Singh Son of Batohi Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
11. Ajay Mahto @ Ajay Kumar Mahto Son of Batohi Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
12. Ramesh Mahto @ Ramesh Kumar Son of Ram Chavila Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
13. Rajesh Kumar Son of Ram Chhavila Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.
14. Devnarayan Mahto Son of Late Raj Kumar Mahto Resident of Village - Sauriya, Panchayat - Radhi, Thana- Jale, Distt.- Darbhanga.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s



Appearance :

For the Appellant/s : Mr.Raja Ram Rai

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 29.11.2019 passed by learned Special Judge (SC/ST Act), Sitamarhi in connection with Nanpur P.S. Case No.196/2019 registered under Sections 147, 148, 341, 323, 504, 506, 379, 354 & 337 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants along with 200 co-accused are said to have attacked on the village of specific caste and they looted house old articles, box, jewelry, cloths etc. and killed one person.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to



dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. The specific allegation is against Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

As *prima facie* no case is made out against the appellants under SC/ST Act, there is no need to issue notice to the informant.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Sitamarhi in connection with Nanpur P.S. Case No.196 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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