

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1017 of 2021**

Arising Out of PS. Case No.-10 Year-2020 Thana- SC/ST District- Sitamarhi

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1. Bharat Mahto Son Of Chulahi Mahto Resident Of Village - Ufraulia, P.S. - Riga, District - Sitamarhi.
 2. Niwesh Kumar @ Dinesh Kumar Son Of Ram Vinay Mahto Resident Of Village - Sahwajpur, Bela, Ward No. -11, P.S. Riga, District - Sitamarhi.

... .. Appellants

Versus

1. The State Of Bihar
2. Jitendra Kumar Ramswaratha Das R/o Vill - Ufraulia, P.S.- Riga, District- Sitamarhi

... .. Respondent

Appearance :

For the Appellants	:	Mr.Hans Lal Kumar, Advocate
For the Respondents	:	Mr. Spl. Public Prosecutor
for the opposite party no.2	:	Ms/Mrs. Ranjana Srivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 15-03-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against order dated 5.11.2020 passed by learned Additional Sessions Judge –I cum Special Judge, SC/ST Act, Sitamarhi in a case registered for the offence punishable under Sections 379/34 and other sections of the Indian Penal Code and Section 3 (i) (r) (s) 3(2)(va) of the SC/ST Act as, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, these appellants and other accused persons assaulted the informant and abused by caste name. They also snatched some cash and one gold chain.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case because of a petty dispute. Injuries sustained by the injured



in this case have been found to be simple in nature. It is further submitted that the provisions of the SC/ST Act is not attracted against the appellants because there is no intention of the appellants to insult the informant who is a member of the SC/ST category and the incident took place in a lonely place, which is not within the public view. Appellants claim clean antecedent.

Learned counsel for the state as well as respondent no.2 oppose the prayer for bail.

Having regard to the submissions made by the parties and the nature of dispute, this appeal is allowed and the impugned order dated 5.11.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge, SC/ST Act(POA), Sitamarhi in Sitamarhi SC/ST Police Station Case No. 10/2020.

(Prabhat Kumar Singh, J)

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