

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.428 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- CHANPATIA District- West Champaran

1. BHARAT MAHTO Son of Sri Ayodhya Mahto R/V- Nawgawa, PS- Chanpatia (Sirisiya) Dist- West Champaran
2. Kishna wati Devi @ Kismati Devi Wife of Sri Bharat Mahto R/V- Nawgawa, PS- Chanpatia (Sirisiya) Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mst. Sudama Kuwar Wife of Late Shyamnandan Mahto R/V- Mishrauli, P.S- Jogapati (Sanichari) Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.P.P.
For the Respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-06-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Though, vakaltnama is filed on behalf of respondent no.2 but no body appears today on his behalf.

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (As amended by Amendment Act, 2015 (Act No.1 of 2016) (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 15.10.2022, passed by learned 1st Additional Sessions Judge-cum-Spl. Judge, under SC & ST Act, West Champaran at



Bettiah, in connection with Chanpatia (Sirisiya) P.S. Case No.428 of 2022, registered u/s 341, 323, 354-B, 379, 427, 504, 506, 120-B of the IPC and sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

As per F.I.R., all the F.I.R. named accused persons including the appellants abused the informant and thereafter, they assaulted the informant and her son.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them to abuse the informant by taking her caste name. There is general and omnibus allegation against the appellants. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is no specific overt act against the appellants to have abused the informant by taking her caste name, let 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, 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 1st Additional Sessions Judge-cum-Spl. Judge, under SC & ST Act, West Champaran at Bettiah, in connection with Chanpatia (Sirisiya) P.S. Case No.428 of 2022, 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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