

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.581 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- KANGLI District- West Champaran

1. Raushan Mahto @ Roshan Mahto S/o Late Ramnath Mahto Resident of Village - Kathia Mathia, Purushotampur, P.S. - Kangli, District - West Champaran.
2. Rameshwar Mahto @ Kameshwar mahto S/o Late Ramayan Mahto Resident of Village - Kathia Mathia, Purushotampur, P.S. - Kangli, District - West Champaran.
3. Subhash Mahto S/o Late Ramayan Mahto Resident of Village - Kathia Mathia, Purushotampur, P.S. - Kangli, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Mitthu Ram Resident of Village - Kathia Mathia, Purushotampur, P.S. - Kangli, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-04-2023 At the outset, learned counsel for appellants seeks

seeks permission to withdraw this criminal appeal with respect

to appellant nos. 2 and 3.

Permission is granted. This criminal appeal is

dismissed as withdrawn with respect to appellant nos. 2 and 3.

Despite valid service of notice nobody appears on

behalf of respondent no. 2.

Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.



The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 13.01.2022 passed by learned Ist Additional District & Sessions Judge-cum-Special Judge SC/ST (POA) Act, Bettiah, West Champaran in connection with Kangli P.S. Case No. 86 of 2021 under Sections 341, 323, 307, 504/34 of the Indian Penal Code and section 3(i)(r)(s)/3(ii)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, all the accused persons including appellant assaulted the informant and her family members by means *lathi* and iron rod.

It is submitted on behalf of the appellants that FIR nowhere spells out that appellant abused the informant and others by calling her caste name and as such, no offence under SC/ST Act is made out. There is case and counter case. Injuries attributed to this appellant is simple in nature. Appellant claims clean antecedent.

Counsel for State however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed.



The impugned order dated 13.01.2022 passed by learned Ist Additional District & Sessions Judge-cum-Special Judge SC/ST (POA) Act, Bettiah, West Champaran is set aside.

Let the Raushan Mahto @ Roshan Mahto appellant no.1, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional District & Sessions Judge-cum-Special Judge SC/ST (POA) Act, Bettiah, West Champaran in connection with Kangli P.S. Case No. 86 of 2021.

(Prabhat Kumar Singh, J)

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