

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.804 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- SAMASTIPUR District- Samastipur

1. RAJU MAHTO @ RAJU KUMAR MAHTO Son of Late Sarhu Mahto @ Late Sathu Mahto R/v- Bahadurpur, P.S.- Samastipur (Town), District- Samastipur
2. DILIP MAHTO Son of Late Sarhu Mahto @ Late Sathu Mahto R/v- Bahadurpur, P.S.- Samastipur (Town), District- Samastipur
3. BIRJU MAHTO Son of Late Sarhu Mahto @ Late Sathu Mahto R/v- Bahadurpur, P.S.- Samastipur (Town), District- Samastipur
4. POONA DEVI Wife of Raju Mahto @ Raju Kumar Mahto R/v- Bahadurpur, P.S.- Samastipur (Town), District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. MANJU DEVI Wife of Bishundev Paswan R/v- Bahadurpur, P.S.- Samastipur (Town), District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order dated 22.03.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 25.01.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur, in connection with Samastipur (Town) P.S. Case No. 318 of 2022 registered under Sections 341, 323, 504, 506, 354, 379, 447 and 34 of the Indian Penal Code and Section 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants is said to have abused and assaulted the informant and her family members.

Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. He submits that appellants have falsely been implicated in this case due to dirty village politics. There is no allegation of slating the informant in the specific name of his caste. He submits that there is no specific allegation against these appellants and the incident did not happen in public place. He submits that there is case and counter case between the parties. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and there is no specific overt act against these appellants, let 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 learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Samastipur (Town) P.S. Case No. 318 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)

anand/-

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