

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2210 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- HALSI District- Lakhisarai

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1. ABDHESH MAHTO @ ADDHESH KUMAR Son of Dilo Mahto Resident of Village- Kaindi, P.S.- Halsi, District- Lakhisarai.
 2. Bipin Kumar Son of Prasidh Mahto Resident of Village- Kaindi, P.S.- Halsi, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ajay Mochi @ Ajay Das Barahmdeo Das Village- Kaindi, P.S.- Halsi, Dist.- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhim Sen Prasad
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants as well as learned Spl.P.P. for the State.

Despite valid service of notice, nobody appears on behalf of the respondent no.2.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office within four weeks.

This is an appeal under section 14 (2) A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.02.2021, passed by learned Additional Sessions Judge 1st



cum Special Judge SC/ST Act Lakhisarai in SC/ST Case No.02 of 2021 arising out of Halis P.S. Case no.09 of 2021, registered u/s 147, 148, 149, 302, 120(B) of the IPC; under section 27 of Arms Act and sections 3(2)(V) of the SC/ST Act.

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. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. He further submits that earlier the appellant no.1 has filed a case against the son of the informant and as such the present case has been filed by the informant. He further submits that both sides have sustained injuries and the injuries sustained by the injured person is found to be simple in nature. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, as the injuries are simple in nature, 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 Additional Sessions Judge 1st cum Special Judge SC/ST Act Lakhisarai in SC/ST Case No.02 of 2021 arising out of Halis P.S. Case no.09 of 2021, 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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