

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.894 of 2022

Arising Out of PS. Case No.-150 Year-2020 Thana- PUNAURA District- Sitamarhi

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1. Chulhai Mahto Son of Sukhdeo Mahto Resident of village - Bhoraha, P.S.- Riga, District - Sitamarhi.
 2. Mintu Kumar @ Shintu Kumar @ Bittu Kumar Son of Raj Kumar Mahto @ Raj Narayan Mahto Resident of village - Bhoraha, P.S.- Riga, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. The SHO Punaura Police Station, District - Sitamarhi - cum At Present SI of Punaura, District Sitamarhi, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Madhubala Verma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-04-2023 Despite valid service of notice, none appears on behalf of respondent no. 2.

At the outset, counsel for appellants seeks permission to make necessary correction in para 1 of the petition.

Permission is accorded. The necessary correction be done during course of day.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 02.12.2021 passed by learned Ist Additional Sessions



Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Puraura P.S. Case No. 150 of 2020 under Sections 147, 148, 149, 188, 341, 342, 353, 323, 307, 332, 333, 279, 270 and 504 of the Indian Penal Code and section 3(i)(r)(3)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, on the alleged date and time of occurrence, all the FIR named accused persons including appellants and 100-150 persons assaulted the police force, blocked the NH and damaged the police vehicles.

It is submitted on behalf of the appellants there is no specific overt act has been alleged against these appellants. There is no allegation of abuse by caste name against the appellants, as such, no case under SC/ST Act is made out.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 02.12.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi, is set aside.

Let the appellants above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Puraura P.S. Case No. 150 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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