

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1055 of 2023**

Arising Out of PS. Case No.-183 Year-2021 Thana- LALGANJ District- Vaishali

=====

DEVCHANDRA MAHTO SON OF MANGAL MAHTO R/O VILLAGE-
SALEMPUR, P.S.- LALGANJ, DISTRICT- VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. BHIKHARI BAITHA SON OF MOHAN BAITHA R/O VILLAGE-
SALEMPUR, P.S.- LALGANJ, DISTRICT- VAISHALI

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Shyameshwar Kumar Singh
For the Respondent/s	:	Mr. Tapeswar Sharma
		Mrs. Bela Singh

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-07-2023 Heard the parties.

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 25.10.2021 passed by learned 1st Addl. District and Sessions Judge-Cum-Special Judge, Vaishali in connection with Lalganj P.S. Case No.183 of 2021 registered under Sections 341, 323, 324, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern



with the aforesaid occurrence. He has been falsely implicated in the case. There is an admitted land dispute between the parties. There is no specific overt act against the appellant. He further submits that similarly situated co-accused person has been granted anticipatory bail by this Court vide order dated 23.11.2022 passed in Cr. App(SJ) No.4615 of 2021. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case, the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge-Cum-Special Judge, Vaishali in connection with Lalganj P.S. Case No.183 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)

shikha/-

U		T	
---	--	---	--

