

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1319 of 2023

Arising Out of PS. Case No.-467 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

1. Ajay Mahto @ Ajay Kumar Son Of Late Bilas Mahto @ Late Bilas Chandrabanshi Resident Of Village - Mahisar, Ward No.- 6, P.S.- Runnisaidpur, District - Sitamarhi.
2. Arun Mahto @ Arun Kumar Son Of Late Bilas Mahto @ Late Bilas Chandrabanshi Resident Of Village - Mahisar, Ward No.- 6, P.S.- Runnisaidpur, District - Sitamarhi.
3. Sanjay Mahto @ Sanjay Kumar Son Of Late Bilas Mahto @ Late Bilas Chandrabanshi Resident Of Village - Mahisar, Ward No.- 6, P.S.- Runnisaidpur, District - Sitamarhi.
4. Roshan Mahto @ Raushan Kumar Son Of Late Bilas Mahto @ Late Bilas Chandrabanshi Resident Of Village - Mahisar, Ward No.- 6, P.S.- Runnisaidpur, District - Sitamarhi.
5. Sumitra Devi Wife Of Late Bilas Mahto @ Late Bilas Chandrabanshi Resident Of Village - Mahisar, Ward No.- 6, P.S.- Runnisaidpur, District - Sitamarhi.
6. Ranjan Devi @ Ranjana Kumari Daughter Of Late Bilas Mahto @ Late Bilas Chandrabanshi Wife Of Arvind Kumar, Resident Of Village - Mahisar, Ward No.- 6, P.S.- Runnisaidpur, District - Sitamarhi, Presently Residing At Village - Batra, P.S.- Nanpur, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Gauri Shankar Das Resident of village - Mahisar, Ward No.- 7, P.S.- Runnisaidpur, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 19.05.2023, informed the informant/complainant.



Nobody appeared on behalf of the informant/complainant.

3. 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 08.02.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 467 of 2022 registered under Sections 341, 323, 379, 354, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The appellants are said to have abused and assaulted the son of the informant.

5. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is case and counter case between the parties and the injuries are found simple in nature, a photo copy of the injury report is enclosed as Annexure-4 to the bail application. Appellants no. 3, 5 and 6 have got no criminal antecedent and appellants no. 1, 2, 4 have



one criminal antecedent as mentioned in para-3 of memo of the appeal.

6. 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.

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the 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 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi, in connection with Runnisaipur P.S. Case No. 467 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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