

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1378 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- PANAPUR District- Saran

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NIRANJAN KUMAR MAHTO @ NIRANJAN KUMAR SON OF
RAMAYAN MAHATO R/O VILLAGE- SEMRI, P.S.- PANAPUR,
DISTRICT- SARAN

... .. APPELLANT/S

VERSUS

1. THE STATE OF BIHAR
2. UMESH RAM SON OF LATE CHATURI RAM R/O VILLAGE- SEMRI,
P.S.- PANAPUR, DISTRICT- SARAN

... .. RESPONDENT/S

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Appearance :

For the Appellant/s : Mr. Gaurav Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-08-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 23.01.2023, passed in a case registered for the offence punishable under sections 147,149,302, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. It is alleged that on 25.04.2022 at about 8:00 AM



all the FIR named accused persons including this petitioner armed with country made pistol and lathi, danda assaulted the the son of the informant and during course of treatment he died. It is also alleged that the appellant abused the informant and his family by caste name.

4. It is submitted that allegation of assault is general and omnibus against the appellant and no specific overt act has been alleged against him. F.I.R does not reveal that any member of public was present on the place of occurrence, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. However, learned counsel for the opposite party opposes the prayer for bail and submits that informant is eye-witness of the alleged occurrence. It is further submitted that appellant and other co-accused persons took away the son of the informant to the house of co-accused Ramayan Mahto and in a closed room all the accused persons brutally assaulted him and thereafter threw him in injured and unconscious condition to the door of the informant and during course of treatment he died.

6. Considering the aforesaid facts, I do not find any reason to interfere with the impugned order, accordingly this



appeal is dismissed.

(Prabhat Kumar Singh, J)

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