

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2240 of 2021

Arising Out of PS. Case No.-5 Year-2017 Thana- SC/ST District- Purnia

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1. JAGDISH MAHTO Son of Late Rameshwer Mahto Resident of Village - Jawahar Nagar, Daini, P.S. K. Nagar, District - Purnia.
 2. Sanjay Kumar Mahto @ Sanjay Kumar Son of Late Anandi Prasad Mahto Resident of Village - Jawahar Nagar, Daini, P.S. K. Nagar, District - Purnia.

... .. Appellant/s

Versus

1. The State of Bihar
2. Makhari Devi Ghuran Ram Resident of vill- Jawahar Nagar Dainy, P.S.- K. Nagar, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha, Adv.

For the Respondent/s : Mr. Binay Krishna, S.P.P.

Mr. Ram Parwesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

3 04-05-2023 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and the learned S.P.P. for the State.

This appeal is directed against the order dated 10.02.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Purnia by which the application of the appellants for pre-arrest bail has been rejected in connection with SC/ST P.S. Case No. 05 of 2017 registered under Sections 447, 341, 323, 354, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s)(g) (w) (ii) of the SC/ST (POA) Act.

Learned counsel appearing on behalf of the appellants submits that the appellants are innocent and have



falsely been implicated in the instant case. Further submission is that the First Information Report has been lodged after a delay of six months without any explanation for the same. It is also submitted that the appellants have no criminal antecedent.

Having considered the above facts and circumstances of the case, the order dated 10.02.2021 passed in SC/ST P.S. Case No. 05 of 2017 by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Purnia is hereby set aside and the above named appellants are directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of the learned court below in connection with SC/ST P.S. Case No. 05 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

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

Learned counsel for the appellants is directed to remove the defects as pointed out by the office within a period of two weeks from today.

(Arvind Srivastava, J)

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