

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2316 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- SAHODARA District- West Champaran

1. RAMNATH MAHTO Son of Late Babudatt Mahto Resident of Village - Banbairiya, P.S.- Sahodara, District - West Champaran.
2. Govind Mahto Son of Shri Kishun Mahto Resident of Village - Banbairiya, P.S.- Sahodara, District - West Champaran.
3. Makbul Haque Son of Late Shamshul Haque Resident of Village - Banbairiya, P.S.- Sahodara, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bashishtha Narayan Mishra, Sr.Adv Mr. Sachida Nand Rai
For the Respondent/s	:	Mr. Sadanand Paswan Mr. Ashok Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants, learned and learned Spl.P.P. for the State.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office within four weeks.

In view of the Apex Court order dated 10th January, 2022, in *Re: Cognizance for Extension of Limitation*, Suo Moto Writ (Civil) No. 3 of 2020, the delay in filing of this appeal is hereby condoned.

This is an appeal under section 14 (2) A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the



refusal of prayer for anticipatory bail vide order dated 25.11.2020, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District – West Champaran in connection with Sahodara P.S. case no.31 of 2020, registered u/s 147, 148, 341, 323, 324, 504, 506, 379 of the IPC; under section 27 of Arms Act and sections 3(i)(x) of the SC/ST Act.

The allegation against the appellants and other co-accused persons is that they entered into *mahadalit tola* and started abusing and assaulting the informant's side by means of several weapons due to which several persons got injured.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is no specific overt act against the appellants. He submits that there is no specific allegation against the appellants to abuse by taking caste name. The appellant no.1 and 2 themselves belongs to the ST category and learned counsel for the appellants produced certificate during the argument in the Court, hence no offence is made out against them under the SC/ST Act. He further submits that the



appellant no.3 is completely blind, which is clear from annexure-2 of the memo of appeal. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that cognizance has been taken against the appellants and in view of the order passed by the Hon'ble Supreme Court in **Bachu Das Vs. State of Bihar and others since reported in (2014) 3 Supreme Court Cases 471** anticipatory bail application is not maintainable before this Court.

Having heard both the sides, it is evident that the appellant nos. 1 and 2 belongs to the ST category, hence no offence under SC/ST category is made out against them and appellant no.3 is 100% blind and is not fit to spend custody in jail, as such I am inclined to grant anticipatory bail to the appellants.

Accordingly, let the appellants named above, in the event of their 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/- (Rs. Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions



Judge-cum-Special Judge (SC/ST), Bettiah, District – West
Champan in connection with Sahodara P.S. case no.31 of
2020, 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)

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