

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1713 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- SC/ST District- Darbhanga

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1. Ajay Kumar Mahto Son Of Brinj Mahto @ Birendra Mahto Resident Of Village- Bihari Narauch Dham, Ps -JALLEY, District- Darbhanga
 2. Brinj Mahato @ Birendra Mahto Son Of Vakil Mahto Resident Of Village- Bihari Narauch Dham, Ps -JALLEY, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitu Ram Son Of Late Suttu Ram Resident Of Village- Bihari Narauch Dham, Ps- Jalley, Distt- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Baidya Nath Prasad
For the Respondent/s	:	Mrs. Usha Kumari 1
	:	Mr. Kedar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the parties.

2. 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 02.03.2023 passed by learned, registered under Sections 341, 342, 323, 379, 427, 448, 504 and 506 of the Indian Penal Code and Section 3 (1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegation against the appellants is that they have tried to take away the buffalo of the informant. On protested by



the informant, they assaulted him and abused him in the name of his caste.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegation levelled against the appellants. There is no specific overt act against any of these appellants. No person was injured in the present occurrence. All the occurrence took place inside the house not in public view. Hence, no offence under SC/ST Act is made out against the appellants. The occurrence took place on 04.11.2022 but the FIR lodged on 26.11.2022 after a delay of 22 days and there is no any explanation of it which creates serious doubt about prosecution case. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

6. Considering the arguments of the parties and perusal of the records there is delay in filing of the present FIR, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge SC/ST (POA Act) Darbhanga in connection with SC/ST P.S. Case No. 73 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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