

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1595 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- SC/ST District- Madhubani

1. KULDEO MAHTO @ KULDEO SINGH @ KULDEV SINGH Son of Late Khusar Mahto Resident of village - Bhakua, P.S.- Khajauli, District - Madhubani.
2. Asharfi Mahto @ Aasharfi Mahto Son of Damodar Mahto Resident of village - Bhakua, P.S.- Khajauli, District - Madhubani
3. Vinod Mahto @ Vinod Kumar Singh Son of Kuldeo Mahto @ Kuldev Singh @ Kuldeo Singh Resident of village - Bhakua, P.S.- Khajauli, District - Madhubani.
4. Vina Devi Wife of Asharfi Mahto @ Aasharfi Mahto Resident of village - Bhakua, P.S.- Khajauli, District - Madhubani.
5. Jai Nath Mahto @ Jainath Singh Son of Late Jhauuli Mahto Resident of village - Maheshwara, P.S.- Babubarhi, District - Madhubani.
6. Deo Nath Kumar @ Deo Mahto Son of Vishwanath Mahto Resident of village - Maheshwara, P.S.- Babubarhi, District - Madhubani.
7. Pramod Kumar Mahto @ Pramod Mahto Son of Baidyanath Mahto Resident of village - Bihnagar, P.S.- Pandaul, District - Madhubani.
8. Anita Devi Wife of Pramod Mahto Resident of village - Bihnagar, P.S.- Pandaul, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Aarti Kumari Daughter of Raj Kumar Safi Resident of village - Ram Khetari, P.S.- Rudrapur, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav Mr. Ravi Prakash Mr. Vinod Kumar Mr. Udeshya Kumar Yadav Mr. Rajesh Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 05.07.2023, learned



Spl.PP for the State informed the informant to appear in the present case through her counsel but nobody entered appearance on her behalf.

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 25.11.2022 passed by learned Additional Sessions Judge cum Special Judge, Madhubani in connection with SC/ST P.S. Case No.40 of 2022, registered under Sections 379, 307, 354B and other allied Sections of the Indian Penal Code and Section 3(i) (r) (s) (wi)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants and other co-accused persons assaulted the informant's side and also abused them by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and



omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been happened inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is no specific overt act against the appellants. There is inordinate delay of twenty days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant nos.1 and 3 have one criminal antecedent and appellant nos.2, 4, 5, 6, 7, 8 have no criminal antecedents, as also mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case as there is a delay in lodging of complaint petition, 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 the learned Additional Sessions Judge cum Special Judge,



Madhubani in connection with SC/ST P.S. Case No.40 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)

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