

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3130 of 2021**

Arising Out of PS. Case No.-435 Year-2020 Thana- SASARAM NAGAR District- Rohtas

MANTU KUMAR Son of Shyamlal Mahto @ Shyamlal Singh Resident of  
Village - Dhanpurwa, P.S.- Sasaram (M), Distt.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

with

**CRIMINAL APPEAL (SJ) No. 2294 of 2021**

Arising Out of PS. Case No.-435 Year-2020 Thana- SASARAM NAGAR District- Rohtas

OCEAR MAHTO @ SACHIN MAHTO Son of Teni Mahto Resident of  
Mohalla- Pratapganj, P.S.- Sasaram (T), District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Fulchand Ram Late Bengali Ram Resident of Village-Pratapganj, Ward no-36, P.S.-Sasaram(T), District-Rohtas

... .. Respondent/s

**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 3130 of 2021)

For the Appellant : Mr. Rajani Kant Singh, Advocate

For the State : Mrs. Usha Kumari I, Special P.P.

(In CRIMINAL APPEAL (SJ) No. 2294 of 2021)

For the Appellant : Mr. Surendra Kumar Mishra, Advocate

For the State : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

6      26-04-2023                      Since both the appeals arise out of the same Police  
  
Station Case Number, therefore, they are being disposed of by this  
  
common order.

Learned counsel appearing on behalf of the appellant in  
Criminal Appeal (SJ) No.2294 of 2021 has filed a jointness  
petition stating therein that respondent no.2 and his son, who had  
received notice on behalf of respondent no.2, reside together in the  
same house.



In view of the aforesaid fact, the notice issued to respondent no.2 is treated to be validly served.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Both these appeals have been filed under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.07.2021 [Cr. Appeal (SJ) No.3130 of 2021] and order dated 27.03.2021 [Cr. Appeal (SJ) No.2294 of 2021], passed by learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No.435 of 2020, registered under Sections 341, 323, 506, 379, 385, 34 of the Indian Penal Code, Section 27 of the Arms Act as well as under Section 3(i)(r)(s) of the SC/ST Act.

The appellants are said to have abused the informant by naming his caste. It is also alleged that appellant, Mantu Kumar assaulted the son of the informant by means of hockey. Appellant Ocar Mahto is said to have assaulted the daughter of the informant by means of *lathi*.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no



criminal antecedent as stated in paragraph-3 of the appeals. It is further submitted that the injuries sustained by the injured persons are simple in nature. It is submitted that the matter has been compromised between the parties.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants, but does not deny the factum of compromise between the parties.

Considering the fact that the matter has been compromised between the parties, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No.435 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and both these appeals are allowed.

**(Anjani Kumar Sharan, J)**

S.KUMAR/-

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