

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1556 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- SIKARPUR District- West Champaran

1. UMESH MAHTO @ UMESH PRASAD Son of Gorakh Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
2. Deo Sagar Mahto Son of Yogi Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
3. Santosh Mahto Son of Yogi Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
4. Roshan Mahto @ Roshan Kumar Son of Gauri Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
5. Munna Mahto Son of Rajdeo Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
6. Niraj Patel @ Niraj Kumar Son of Binod Patel Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
7. Ragho Mahto @ Ragho Sharan Kumar Son of Nagina Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.
8. Nipu Mahto @ Nipu Kumar Son of Prakash Mahto Resident of Village- Durgwalia, Police Station- Shikarpur, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi W/o Bhairo Ram Resident of Village- Durgawali, Police Station- Shikarpur, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Kumar Dwivedy
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Despite valid service of notice, nobody appears on behalf
of the respondent no.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 02.04.2022 passed by learned Additional District and Sessions Judge 1st cum Special Judge (SC/ST) Bettiah, West Champaran in connection with Shikarpur P.S. Case No.73 of 2022, registered under Sections 341, 323, 354(B), 379, 504, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, co-accused Neeraj Kumar assaulted the son of the informant with bat due to which he became unconscious. Thereafter, co-accused Neeraj entered into the house of the informant and assaulted all the family members and also abused them by taking caste name. It is further stated that while the informant and her son and daughter were going to hospital for their treatment, all the accused persons including the appellants assaulted them and abused them with caste name.

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. There is no specific overt act against the appellants. There is



inordinate delay of more than 20 days in lodging the case without assigning any credible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, 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 District and Sessions Judge 1st cum Special Judge (SC/ST) Bettiah, West Champaran in connection with Shikarpur P.S. Case No.73 of 2022, 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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