

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1780 of 2022

Arising Out of PS. Case No.-541 Year-2021 Thana- BASANTPUR District- Siwan

1. MEENA DEVI WIFE OF LATE GOPAL MAHTO @ GOPAL PRASAD R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN
2. BALIRAM MAHTO @ BALIRAM PRASAD SON OF LATE GOPAL MAHTO @ GOPAL PRASAD R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN
3. KARAN MAHTO SON OF LATE GOPAL MAHTO @ GOPAL PRASAD R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN
4. RAJBANSHI MAHTO @ RAJBANSHI PRASAD SON OF LATE NAND KISHORE MAHTO R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN
5. SHAIENDRA MAHTO @ SHAIENDRA PRASAD SON OF LATE NAND KISHORE MAHTO R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN
6. JITENDRA MAHTO SON OF LATE GULAB MAHTO R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN
7. ARJUN PRASAD SON OF RAMASHRAY PRASAD R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SANJU DEVI WIFE OF SHEOBALAK MANJHI R/O VILLAGE- SHAHERKOLA, P.S.- BASANATPUR, DISTRICT- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Javed Aslam
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order dated 22.02.2023, learned
Spl.PP for the State informed the informant/complainant to



appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

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 25.03.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Basantpur P.S. Case No.541 of 2021, registered under Sections 363, 366A, 504, 506, 448, 379 of the Indian Penal Code and Section 3(i) (r) (s) (wii)/3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellants and other co-accused persons entered into the house of the informant and took out Rs.25,000/- and ornaments. They forcibly took away her daughter in their vehicle. The accused persons abused the informant by caste name and also threatened to kill her whole family.

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. He further submits that the statement of the victim was recorded under section 164 of Cr.PC in which she has not supported 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 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Basantpur P.S. Case No.541 of 2021, 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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