

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2449 of 2023**

Arising Out of PS. Case No.-122 Year-2022 Thana- BHADAUR District- Patna

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1. RAMCHANDRA PRASAD @ RAMCHANDRA MAHTO son of KISHUN MAHTO Village- Basawanchak Daulatpur Ps- Bhadaur Dist- Patna
  2. Ram Babu Kumar @ Ram Babu Mahto son of Rambhadur Mahto Village- Basawanchak Daulatpur Ps- Bhadaur Dist- Patna
  3. Rambir Mahto @ rambir Kumar son of Ram Charan Mahto Village- Basawanchak Daulatpur Ps- Bhadaur Dist- Patna

... .. Appellants.

Versus

1. The State of Bihar.
2. Prakash Rahi son of Jailal Ravidas Village- Basawanchak Daulatpur Ps- Bhadaur Dist- Patna

... .. Respondents.

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**Appearance :**

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| For the Appellants      | : | Mr. Arun, Advocate                |
| For the State           | : | Mr. Sadanand Paswan, Special P.P. |
| For the respondent no.2 | : | Mr. Anil Kumar Singh, Advocate    |
|                         |   | Mr. Rohit Kumar, Advocate         |

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

2      09-08-2023                      Heard learned counsel for the appellants and learned Special PP for the State assisted by learned counsel for the respondent no.2.

2. Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.2 submitting that during pendency of this appeal appellant no.2 has already been apprehended.



3. Permission is granted.

4. Accordingly, this appeal is dismissed as withdrawn in respect of appellant no. 2 only.

5. Now, this appeal survives only for appellant nos.1 and 3.

6. 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 21.03.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Bhadaur P.S. Case No. 122/2022 registered under Sections 147, 149, 323, 307, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. All the F.I.R. named accused persons including these appellants are said to have entered into the house of the informant, slated him by taking his caste and also assaulted the informant and his family members.

8. 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



land dispute. There is admitted land dispute between the parties. 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 made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Learned counsel for the appellants placed reliance on the judgment of Hon'ble Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State opposed the prayer for bail assisted by learned counsel for the respondent no.2.

10. In the facts and circumstances of the case, the above named appellant nos.1 and 3, 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 Exclusive Special Court SC/ST Act, Patna in connection with Bhadaur P.S. Case No.122/2022, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, the impugned order is set aside  
and this appeal is allowed in respect of appellant nos.1 and 3.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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