

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2614 of 2023

Arising Out of PS. Case No.-369 Year-2022 Thana- MANJHI District- Saran

1. Baldev Mahto S/O Dahari Mahto R/O Village- Tajpur, P.S- Manjhi, Distt.- Saran At Chhapra.
2. Gajadhar Mahto S/O Ramchandra Mahto R/O Village- Tajpur, P.S- Manjhi, Distt.- Saran At Chhapra.
3. Mithilesh Mahto S/O Rambriksha Mahto R/O Village- Tajpur, P.S- Manjhi, Distt.- Saran At Chhapra.

... .. Appellant/s

Versus

The State of Bihar, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Advocate
For the Informant	:	None
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 06.04.2023 passed by the learned Additional Sessions Judge 3rd cum Special Judge, SC/ST Act, Saran at Chapra in A.B.P. No. 546 of 2023 arising out of Manjhi P.S. Case No. 369 of 2022 dated 12.10.2022 registered for the offence/s punishable u/ss 149, 341, 323, 427 of the Indian Penal Code and sections 3(1)(s)(v) of the SC/ST (POA) Act.



3. As per the prosecution case, the co-accused Vinay Mahto came to the informant's shop and demanded cake whereupon the informant asked for his due amount first, then he called his associates and started abusing the informant by calling his caste name. On the exhortation of the appellant no. 3, Mithlish Mahto, the accused Vinay Mahto assaulted the informant with rod and the other accused persons also assaulted him due to that he got severely injured. When the family members of the informant came to rescue, the accused Munna Mahto and Mithilish Mahto also assaulted them. Thereafter, all the accused persons entered the cake factor of the informant and destroyed the articles worth Rs. 2 lakhs and the accused Gajadhar Mahto snatched Rs. 20,000/- and a golden chain worth Rs. 60,000/- from one Om Prakash Gond and threatened to kill his entire family and fled away.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is delay of 13 days in filing the complaint case. Learned counsel has further submitted that there is general and omnibus allegation against the appellants. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence.



The said word is not laced with the casteist remark. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 06.04.2023 passed by the learned Additional Sessions Judge 3rd cum Special Judge, SC/ST Act, Saran at Chapra in A.B.P. No. 546 of 2023 arising out of Manjhi P.S. Case No. 369 of 2022, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd cum Special Judge, SC/ST Act, Saran at Chapra in A.B.P. No. 546 of 2023 arising out of Manjhi P.S.



Case No. 369 of 2022, subject to conditions as laid down under
section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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