

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3028 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- JHANJHARPUR District- Madhubani

BHOLA MAHTO Son of Ramaoutar Mahto Resident of Village - Sukhet,
P.s.- Jhanjharpur, Distt.- Madhubani.

... .. Appellant

Versus

1. The State of Bihar
2. Lakhmi Kumar son of Ram Chandra Ram resident of village- Kashbey Ahar,
P.S.- Tajpur, District- Samastipur

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Ram Narayan Mahto
For the Respondent/s	:	Mrs. Usha Kumari 1
	:	Mr. Piyush Kumar Pandey
	:	Mrs. Aditi Shahi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 02-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State assisted by learned
counsel for the respondent no.2.

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 27.07.2022 passed by learned Sessions Judge 1st Cum Special Judge, Madhubani in connection with Jhanjharpur P.S. Case No. 77 of 2022, registered under Sections 341, 323, 342, 504 and 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per the prosecution case, when the informant gone to Bhola Mahto shop for taking signature of loan on the agreements and after making signature talked had started thereafter Bhola Mahto assaulted the complainant then at that time brother of Bhola Mahto, namely, Raj Kumar Mahto reached there and assaulted the informant.

4. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. The appellant has applied for loan through and complainant taken Rs.1,35,500/- from the appellant's account then petitioner know this fact and who went to lodge a case against informant and others due to save informant lodged the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and submits that the the appellant has inflicted the informant/respondent no.2 due to which he had to be admitted in Paras Hospital Patna and had to undergo surgery in order to



save him from the internal bleeding which was caused by the kicks on the abdomen.

6. In the facts and circumstances of the case, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Sessions Judge 1st Cum Special Judge, Madhubani in connection with Jhanjharpur P.S. Case No. 77 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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