

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3015 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- BARHARA KOTHI District- Purnia

SHRAWAN MAHTO SON OF RAY JEE MAHTO R/O VILLAGE-
BELDARI TOLA, PATRAHA, P.S.- BARHARA KOTHI, DISTRICT-
PURNIA

... .. Appellant/s

Versus

1. The State of Bihar
2. SANJAY RAM SON OF MAHESHWAR RAM R/O VILLAGE-
PATRAHA, BELDARI TOLA, P.S.- BARHARA, DISTRICT- PURNIA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 11-01-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

In view of order dated 07.12.2022, learned Spl.P.P. for the
State informed the respondent no.2/informant about his
appearance in this case but nobody appears on his behalf.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
16.08.2022, passed by learned 1st Additional District & Sessions
Judge-cum-Special Judge, SC/ST Act, Purnia, in connection



with Barhara P.S. Case No.68 of 2022, registered u/s 341/ 323/ 324/ 379/ 353/ 354B/ 504/ 506 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, the appellant is said to have assaulted the informant and his wife.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in this case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against him to abuse the informant by taking caste name. It is further submitted that the specific allegation to abuse the informant by taking caste name is against the co-accused Chandan Kumar Mahto. Only allegation against the appellant was to assault the informant but the injury was found to be simple in nature, which is clear from the impugned order. Furthermore, for the alleged occurrence, there is case and counter-case between the parties. Appellant has one criminal antecedent.

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

Considering the facts and circumstances of the case, let



the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Purnia, in connection with Barhara P.S. Case No.68 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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