

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3019 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- KHAJAU LI District- Madhubani

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1. Bimal Bihari @ Bihari Mahto @ Vimal Mahto Son of Rambharosh Singh Resident of Village - Chatra, P.S. - Khajauli, District - Madhubani
 2. Pramod Kumar Singh @ Pramod Singh @ Pramod Mahto Son of Ramprit Singh Resident of Village - Chatra, P.S. - Khajauli, District - Madhubani
 3. Rajan Paswan Son of Mahendra Paswan Resident of Village - Chatra, P.S. - Khajauli, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Paswan Son of Late Jagdish Paswan Resident of Village - Chatra, P.S. - Khajauli, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 05.08.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Khajauli P.S. Case No. 94 of 2020 under Section 302 and other allied sections of the Indian Penal Code, section 27 of the Arms Act and section 3(i)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby



the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, on the alleged date and time of occurrence, all the 12 FIR named persons including appellant nos. 1 and 2 armed with weapons abused the informant by calling his caste name and assaulted his father, as a result of which he sustained multiple injuries and during course of treatment died.

It is submitted on behalf of the appellants that specific allegation of assault is against other co-accused. Appellants has been made accused in this case merely because they are family members of Ram Udgar Mahto. Rajan Paswan appellant no. 3 is not named in the FIR and his name transpired later on during course of investigation. There is no specific allegation against the appellants in the entire FIR. It is next submitted that it is not the case of informant that at the time of occurrence any member of public was present at the place of occurrence. Moreover, appellant no. 3 also belongs to SC/ST caste, as such no offence under SC/ST Act is made out. Appellants claim clean antecedents.

Counsel for respondent no. 2 however vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed.



The impugned order dated 05.08.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Khajauli P.S. Case No. 94 of 2020, is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Khajauli P.S. Case No. 94 of 2020.

(Prabhat Kumar Singh, J)

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