

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4299 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- SC/ST District- Rohtas

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1. RAJENDRA SINGH @ RAJENDRA MAHTO S/o CHHATU SINGH R/o VILLAGE-TUMBA, P.S-ROHTAS, DISTRICT-ROHTAS.
 2. VIKASH KUMAR SINGH @ MANTU MAHTO S/o JANESHWAR SINGH R/o VILLAGE-TUMBA, P.S-ROHTAS, DISTRICT-ROHTAS.
 3. YOGENDRA SINGH @ YOGENDRA MAHTO S/o CHHATU SINGH R/o VILLAGE-TUMBA, P.S-ROHTAS, DISTRICT-ROHTAS.
 4. JITENDRA SINGH @ JITENDRA MAHTO @ JITTU MAHTO S/o THAKUR MAHTO R/o VILLAGE-TUMBA, P.S-ROHTAS, DISTRICT-ROHTAS.
 5. SURENDRA SINGH @ SURENDRA MAHTO S/o MITHU SINGH R/o VILLAGE-TUMBA, P.S-ROHTAS, DISTRICT-ROHTAS.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Nilu Kumari Daughter of Mahendra Bhand Resident of village-Tumba,P.S-Rohtas, Dis-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-07-2023

1. Heard learned counsel for the parties.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.03.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 60 of 2020 (Registered Case No. 185 of 2020) registered under Sections



341, 323, 504, 506 and 379/34 of the Indian Penal Code as well as Sections 3(2)(va) of the SC/ST Act.

3. Learned Special Public Prosecutor at the outset submits that in terms of the order dated 18.05.2023 information was sent to the concerned Superintendent of Police of the district for communicating to the informant i.e. her presence is required before this Court in the present appeal.

4. In view of the submission made by the learned Spl.P.P. the service of notice is deemed valid.

5. No one appears on behalf of the informant.

6. Learned counsel for the appellants submits that appellants are persons with clean antecedent.

7. The informant alleges that on 27.07.2020 at about 07:00 a.m. mother of the informant had gone to demand her wages to the house of Rajendra Mahto then he scolded and compelled her to flee from there. It is further alleged that at 08:00 a.m. the accused persons including the appellants entered into the house of the informant and assaulted her and her mother and when the informant and her mother in order to save their life started to flee and then Jogendra Mahto caught hold of the informant and snatched golden chain from her neck and Rajendra Mahto catching hold of her hair pulled her down on



the ground thereafter assaulted and abused by calling their caste name.

8. Learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view nor the FIR remotely suggest that anyone had seen the occurrence. It is next submitted that the falsity of the allegation is also manifest from the fact that if the appellants had any intention of assaulting or abusing the informant and her mother then the same could not have been done at their residence where the informant had gone to demand wages.

9. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

10. Hence, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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