

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3589 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- SC/ST District- Madhubani

MAHINDRA MAHTO Son of Hazari Mahto Resident of Village-Sugapatti,
P.S.-Phulparas, District-Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Bharti, Advocate

For the Respondent/s : Mrs. Usha Kumari I, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 23.08.2023, he has informed the informant/complainant but none is present on his/her behalf.

3. 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 17.05.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Madhubani in connection with SC/ST P.S. Case No. 11 of 2023, registered under Sections 341, 420, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (r)(s)/ 3(2)(va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellant that he abused the informant by taking caste name.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place and appellant has been falsely implicated in the case due to previous enmity and village politics. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of seven days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. There is an inordinate delay of one month in filing the F.I.R. without assigning any plausible explanation for the said delay. The allegation levelled against the appellant is not specific rather general and omnibus in nature. He further submits that the appellant has given application before the concerned authority and stated that the appellant is working as social worker and also a candidate for Panchayat Election for the post



of Mukhiya at Village-Sugapatti and when the appellant got to know about the defalcation made by the present Mukhiya in the construction of Toilet, as such he made a complaint to higher authority due to said reason the appellant has falsely implicated the present case. Appellant has one criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, 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 released 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 the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with SC/ST P.S. Case No.11 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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