

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3145 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- NTPC District- Patna

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1. RAJESH MAHTO @ RAJESH KUMAR MAHTO SON OF SHIV MAHTO
RESIDENT OF VILLAGE- GULRIYA TOLA, P.S.- NTPC DISTRICT-
PATNA
 2. GANESH MAHTO @ GANESH KUMAR S/O SHIV MAHTO RESIDENT
OF VILLAGE- GULRIYA TOLA, P.S.- NTPC DISTRICT- PATNA
 3. DIPAK MAHTO @ DIPAK KUMAR S/O BISHNI MAHTO RESIDENT
OF VILLAGE- GULRIYA TOLA, P.S.- NTPC DISTRICT- PATNA
 4. SUNNY KUMAR S/O BISHNI MAHTO RESIDENT OF VILLAGE-
GULRIYA TOLA, P.S.- NTPC DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. ASHA DEVI W/O AJAY KUMAR R/O VILLAGE- DHIBAR JAGIRIYA
TOLA, P.S.- NTPC, DISTRICT- PATNA

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State submits that in compliance
of order dated 07.12.2022, she informed the informant to appear
in the present appeal through her counsel, but nobody appears
on her behalf.

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 14.07.2022 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with NTPC P.S. Case No. 35 of 2022 registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (vs) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons came to the informant and started abusing. On objection, they assaulted her and her family members, as a result of which they got injured.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The present case is counter-blast of NTPC P.S. Case No. 34 of 2022 dated 13.04.2022. Both the parties sustained injuries. The injuries sustained by the victims are simple in nature. There is no allegation of slating the informant and her family members in the specific name of their caste. Hence, no offence under Section SC/ST Act is made out against the appellants.



Appellant nos. 1 & 2 have one criminal antecedent, whereas appellant nos. 3 & 4 have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, as there is no specific overt act against the appellants, the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with NTPC P.S. Case No. 35 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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