

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3540 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- SC/ST District- Lakhisarai

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1. Sanjit Mahto @ Sanjit Kumar, Son Of Khushiyaal Mahto, Resident Of Village - Billo, P.S. - Ramgadh Chowk, District – Lakhisarai.
 2. Ajit Mahto @ Ajit Kumar, Son Of Ayodhi Mahto, Resident Of Village - Billo, P.S. - Ramgadh Chowk, District – Lakhisarai.
 3. Murari Mahto @ Murari Kumar, Son Of Bishun Mahto, Resident Of Village - Billo, P.S. - Ramgadh Chowk, District – Lakhisarai.

... .. Appellants

Versus

1. The State Of Bihar.
2. Seviki Devi, Wife Of Sevak Manjhi, Resident Of Village - Billo, P.S. - Ramgadh Chowk, District – Lakhisarai.

... .. Respondents

Appearance :

For the Appellants : Mr. Praveen Kumar Agrawal, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-12-2023 Learned counsel for the appellants is permitted to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

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’), passed by the learned Additional Sessions Judge-



Ist-cum-Special Judge (SC/ST Act), Lakhisarai in A.B.P. No. 649 of 2023 in connection with Lakhisarai SC/ST P.S. Case No. 42 of 2023 registered for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that on 04.05.2023 at about 5.00 P.M. in the evening, Sanjit Mahto (appellant no. 1) is alleged to have started abusing the informant's daughter randomly by taking her caste's name. Thereafter, the informant's daughter started crying and raised hulla. When the informant's husband reached there, in the meantime, Ajit Mahto (appellant no. 2) and Murari Mahto (appellant no. 3) assaulted the informant's husband and daughter with Lathi-danda and also abused them. The informant was also assaulted and abused by the accused persons.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is further submitted that the alleged occurrence has taken place on 04.05.2023 at 5.00 P.M. but the present F.I.R. was lodged on 08.06.2023 at 12.30 P.M. i.e., after a lapse of 34 days for which



no explanation has been given by the prosecution. The informant has only alleged that Sanjit Mahto (appellant no. 1) abused by caste name and also threatened to assault her daughter specifically. There is general and omnibus allegation against the appellants. It is further submitted that on the alleged date and time of occurrence, the informant's house was demolished by the government officials due to scam of 'Jal Jivan Hariyali' as the informant made her house on government land after encroachment and after demolished of her house, the informant demanded Rs. 25,000/- from the appellants as a loan but the appellants refused to give the said amount. So, the informant has lodged this false case against them. It is further submitted that during investigation, no local or independent witness has supported the prosecution case against the appellants. It is further submitted that the matter has already been compromised between the parties. No member of public was present at the relevant point of time of the alleged incident. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State as well as learned



counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 17.07.2023, passed by the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Lakhisarai in A.B.P. No. 649 of 2023 in connection with Lakhisarai SC/ST P.S. Case No. 42 of 2023, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Lakhisarai in in connection with Lakhisarai SC/ST P.S. Case No. 42 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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