

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.973 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- UCHKAGAON District- Gopalganj

BABULAL MAHTO Son of Hira Mahto, R/O VILLAGE NAWADA
PARSAUNI MATHIA TOLA, P.S-UCHAKAGAON, DISTRICT-
GOPALGANJ.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Raj Kumar Baitha Nageshwar Baitha R/O-Nawada Parsauni, P.S.-
Uchakagaon, District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Pandey Mr. Rajesh Kumar
For the State	:	Mrs. Usha Kumari No. 1
For the Informant	:	Mr. Dharmveer

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 06-02-2023 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as the

learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the

appellant under Section 14 (A) (2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting

aside the order dated 24.11.2020 passed by the learned 1st

A.D.J.-cum-Special Judge, SC/ST Act, Gopalganj registered for

offence punishable under sections 341, 323, 307, 504, 506/34

and added section 302/34 of the Indian Penal Code and 3 (i) (r)/



3 (ii) (v) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, in the night of 08.05.2020 when the informant was sleeping at his *Bathan*, the accused persons named in the FIR including the appellant came there and they started assaulting badly the informant and his father and they also abused by calling their caste name. The informant's father was referred to PGI, Patna where he died during course of treatment.

The learned counsel for the appellant has submitted that there is no specific allegation against the appellant to assault the informant and his father and he has falsely been implicated in this case. There is case and counter case.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the appellant and other accused persons abused the informant and his father by calling their caste name and they badly assaulted them resulting into death of the father of the informant.

As submitted above, appellant Raman Mahto and appellant Mithun Mahto were arrested, as such, their anticipatory bail petition was dismissed as withdrawn on 02.11.2021 and thereafter, they have been granted regular bail.



Considering the above-mentioned facts and circumstances, appellant Babulal Mahto is directed to surrender before the court below and make a prayer for regular bail. I do not see any reason as to why the same benefit should not be extended to appellant Babulal Mahto.

With these observations, this appeal is disposed of.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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