

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3232 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- PIPRAKOTHI District- East Champaran

1. Bhola Mahto
2. Langtu @ Bahadur Mahto
3. Asharfi Mahto S/o
All three are sons of Ram Prasad Mahto
4. Sohan Mahto S/o Late Babulal Mahto
All are resident of Tokhan Wala Tola, P.S.- Piprakothi, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Ram S/o Late Adalat Paswan Resident of Tekha Goshwami Tola,
P.S.- Pipra Kothi, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 04-04-2023 Let the defect(s) as pointed out by the office, which

still stand(s), be removed within one week and thereafter the

order will be pronounced.

Heard the parties.

The instant criminal appeal has been filed under Section
14(A)(2) of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, against the order dated
02.08.2022 passed by the learned Special Judge SC/ST Act, East
Champaran, in connection with Piprakothi P.S. Case No. 222 of
2021 registered for the offences punishable under Sections 302,



120(B)/34 of the Indian Penal Code and Sections 3(1) (r) (s), 3(2) (v)) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellants' prayer for bail was rejected.

The main submissions advanced by learned counsel for the appellants are that the allegations made in the FIR in respect of the appellants are completely general and omnibus and out of the eight named accused persons Nagina Paswan, Arjun Mahto, Babulal Sah and Rakesh Mahto @ Rakesh Kumar have been granted bail by different benches of this court vide orders passed in Cr. Appeal (SJ) No. 286 of 2022, Cr. Appeal (SJ) No. 2664 of 2022 and Cr. Appeal (SJ) No. 3003 of 2022 respectively and the case of co-accused Arjun Mahto is completely identical to the present appellants, besides the instant matter appellants are also accused in two other cases in which they are on bail and there is no eye-witness to the alleged occurrence of murder and the allegation of abusing the deceased by caste name at his house does not attract an offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as the said occurrence did not take place at the public place and both the parties are co-villagers. Further submission is that appellants no 1 and 3 are in custody since



06.05.2022 and appellants no. 2 and 4 are in custody since 19.05.2022 and against them the investigation has been completed.

No one appears on behalf of respondent no.2.

Learned APP appearing for the State has opposed this appeal and submitted that order impugned has been rightly passed and there is no force in this appeal and the same is liable to be dismissed.

Considering the above submissions and mainly the facts that in the FIR, altogether eight persons including the appellants have been named as accused and against the appellants there is no specific allegation and the informant merely raised suspicion against the appellants on account of previous enmity and one similarly situated co-accused Arjun Mahto is on bail and some other co-accused persons are also on bail and against the appellants investigation has been completed, in my opinion, appellants deserve to the privilege of bail. Hence, order impugned is hereby set aside and appeal stands allowed and the appellants are directed to be released on bail on furnishing of bail bonds of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the Court concerned, in connection with Piprakothi P.S. Case No. 222 of



2021.

In the result, the instant appeal stands allowed.

(Shailendra Singh, J)

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