

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3947 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KOTWA District- East Champaran

SUDAMA MAHTO S/O MAHESH MAHTO R/O VILLAGE- KARNIYA,
PS. KOTWA, DIST. EAST CHAMPARAN

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Usha Kumari

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 03.08.2023 passed by learned court of Special Judge, SC/ST, East Champaran at Motihari whereby the prayer for bail of the appellant in connection with Kotwa P.S. Case no. 23 of 2023 under Sections 341, 323, 324, 325, 354, 312, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. As per prosecution case, the appellant along with other co-accused persons armed with various weapon came at the door of informant and assaulted her and her family members as a result of which they received injury. The



accused persons also abused the informant by taking her caste name.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. The F.I.R. has been lodged after the delay of two days and there is no explanation of delay. There is no specific allegation against the appellant rather allegation is general and omnibus in nature. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as mentioned in para-3 of appeal. The other co-accused namely Ravi Mahto @ Ravi Kmar has already been enlarged on bail by another coordinate Bench of this Court vide order dated 04.10.2023 passed in Cr. Appeal (SJ) No. 3101 of 2023. Moreover, the appellant is languishing in judicial custody since 25.07.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 03.08.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Kotwa P.S. Case No.23 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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