

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4018 of 2023**

Arising Out of PS. Case No.-618 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bablu Mahto @ Bablu Mahton @ Manish Kumar S/O Ram Bhajan Mahto
R/O At And P.O - Sighaul, P.S. - Muffasil (Sighaul), Distt. - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Dropti Devi @ Dropati Devi Wife of Suresh Kumar R/o at and P.O -
Sighaul, P.S. - Sighaul, Distt. - Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandan Kumar Kashyap, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
18.10.2023 but nobody appeared on behalf of the respondent
no.2.

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), against the refusal of prayer of anticipatory bail
vide order dated 31.07.2023 passed by learned Exclusive
Special Judge, SC/ST (POA) Act, Begusarai in connection with



Mufassil P.S. Case No. 618 of 2020, registered under Sections 147, 149, 341, 323, 354(B), 379, 504, 386 and 506 of the Indian Penal Code and Sections 3(1)(x), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he assaulted the informant and his family members and also abused them by taking the caste name.

5. It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. As per the department order the employee of electric department came to remove the electric pole and quarrel happened between the electric department employee and informant. There is no specific overt act against the appellant. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

7. In the facts and circumstances of the case and the fact that there is no specific overt act against the appellant and on the direction of the department the electric pole was uprooted from the land of the department, let the above named appellant,



in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Mufassil P.S. Case No. 618 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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