

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4296 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- JANKINAGAR District- Purnia

1. Shibu Mahto @ Shiv Narayan Mahto Son Of Late Sone Lal Mahto R/O Vill - Rampur Tilak, Kachari Tola, Ward No 10, P.S. - Janki Nagar, Distt. - Purnea
2. Manjit Kumar Mahto Son Of Shibu Mahto @ Shiv Narayan Mahto R/O Vill - Rampur Tilak, Kachari Tola, Ward No 10, P.S. - Janki Nagar, Distt. - Purnea
3. Ranjeet Mahto Son Of Shibu Mahto @ Shiv Narayan Mahto R/O Vill - Rampur Tilak, Kachari Tola, Ward No 10, P.S. - Janki Nagar, Distt. - Purnea
4. Madan Kumar Mahto Son Of Shibu Mahto @ Shiv Narayan Mahto R/O Vill - Rampur Tilak, Kachari Tola, Ward No 10, P.S. - Janki Nagar, Distt. - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sujit Kumar Son of Late Satya Narayan Sharma R/o vill - Rampur Tilak, Kachari Tola, ward no. 9, P.S. - Janki nagar, Distt. - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Bijendra Kumar Singh, Adv.
For the State	:	Mr.Sadanand Paswan, Spl. PP
For the respondent no. 2	:	Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-11-2023 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

2. In compliance of the order dated 01.11.2023, the Medical Officer, Purnea has physically present before this Court.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST



Act') against the refusal of prayer for bail vide order dated 17.08.2023, passed by learned Special Judge (SC/ST Act), Purnea in connection with Janki Nagar P.S. Case No. 132 of 2023, registered under Sections 341, 323, 324, 447, 379, 504, 506/34 of the IPC and Sections 3(i) (r) (S) of the SC/ST Act.

4. Appellants are said to have abused the informant by taking caste name and also assaulted him by means of fists, slaps and danda.

5. It is submitted by learned counsel for the appellants that the appellants is innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the injury found upon the victim is simple in nature which is clear from the statement of the Doctor who is personally present before this Court. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. However, learned Spl. P.P for the State and learned counsel for the respondent no. 2 oppose the prayer for bail.

7. Considering the facts and circumstances of the case, let 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 bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Purnea in connection with Janki Nagar P.S. Case No. 132 of 2023, 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 the appeal is allowed.

9. The personal appearance of the Medical Officer, Purnea is dispensed with.

(Anjani Kumar Sharan, J)

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