

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4050 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- BEERPUR District- Begusarai

-
1. SHATRUDHAN MAHTO SON OF RAM JATAN MAHTO R/O VILLAGE- BAKHATPUR, P.S.- BIRPUR, DISTRICT- BEGUSARAI
 2. DEEPAK KUMAR @ DEEPAK MAHTO SON OF LATE RAM CHANDRA MAHTO R/O VILLAGE- BAKHATPUR, P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. ROHIT KUMAR PASWAN SON OF SURESH PASWAN R/O VILLAGE- MAIDABABHANGAMA, P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-04-2023 Though notice has been served upon O.P. No. 2, no one has turned to assist the Court.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 21.10.2022 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in Birpur P.S. Case No. 129 of 2021 whereby the prayer for bail of the appellant registered under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and sections 3(1)(r)(s)/3(2)(v)(a) of SC/ST Act was rejected.



Allegations against the accused persons is to assault the informant by tying rope in his neck with intention to kill him. When the family members of the informant came there to rescue him, they were also assaulted by the accused persons by means of lathi, danda and bricks.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. As per injury report, injured has received simple injury. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view. Similarly situated other co-accused namely, Lalu Kumar has already been enlarged on bail by another coordinate Bench of this Court vide order dated 01.09.2022 passed in Cr. Appeal No. 1236 of 2022. Appellants are languishing in judicial custody since 20.08.2022.

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

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



this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.10.2022 passed in Birpur P.S. Case No. 129 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Birpur P.S. Case No. 129 of 2021 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

