

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4117 of 2022**

Arising Out of PS. Case No.-18 Year-2022 Thana- SC/ST District- Purnia

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1. Arjun Mahto Son Of Ramotar Mahto Resident Of Village- Jhunni Kala, Rahika Tola, P.S.- K. Nagar, District- Purnea
  2. Ajab Lal Mahto Son Of Ramotar Mahto Resident Of Village- Jhunni Kala, Rahika Tola, P.S.- K. Nagar, District- Purnea
  3. Pulkit Mahto Son Of Ramotar Mahto Resident Of Village- Jhunni Kala, Rahika Tola, P.S.- K. Nagar, District- Purnea
  4. Rabindra Mahto Son Of Ramotar Mahto Resident Of Village- Jhunni Kala, Rahika Tola, P.S.- K. Nagar, District- Purnea
  5. Bhikhan Mahto Son Of Late Jagdish Mahto Resident Of Village- Jhunni Kala, Rahika Tola, P.S.- K. Nagar, District- Purnea

... .. Appellants

Versus

1. The State of Bihar
2. Sitaram Ram Son of Late Kaleshwar Ram R/o vill- Jhunni Kala Rahika Tola, P.S.- K. Nagar Dist-Purnia

... .. Respondent/s

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**Appearance :**

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|-------------------------|---|---------------------------------------|
| For the Appellant/s     | : | Mr.Sushil Kumar Jha, Advocate         |
| For the State           | : | Usha Kumari 1, Spl. Public Prosecutor |
| For the respondent no.2 | : | Mr. BK Singh, Advocate                |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      21-06-2023                      Heard learned counsel for the appellants, the State and respondent no.2.

This appeal has been filed for setting aside order dated 04.11.2022 passed in a case registered for the offences punishable under sections 341,323,307,504/34 of the IPC and sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for



anticipatory bail of the appellants has been rejected.

It is a case of assault and abuse by the caste name.

Learned counsel appearing for the appellants submits that due to land dispute, simple marpit took place in which which both sides sustained injuries. Case and counter case. Insult caused to the informant is not based on caste, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

Counsel for the State and the respondent no.2 oppose the prayer for bail.

Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge SC/ST Act, Purnea in SC/ST Case No. 18 of 2022.

**(Prabhat Kumar Singh, J)**

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