

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4190 of 2022**

Arising Out of PS. Case No.-74 Year-2019 Thana- SC/ST District- Sitamarhi

CHANDRALOK MAHTO @ CHANDRALOK KUMAR S/o Kishori Mahto  
@ Kishori Raut R/v- Matiyar, P.S.- Sahiyara, District- Sitamarhi (as per  
F.I.R.) correct resident of village- Matiyarkala, Ward no. 4 P.S.- Sahiyara,  
District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. MALKINIYA DEVI W/o Badri Das R/v- Matiyar Kala, P.S.- Sahiyara,  
District- Sitamarhi

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Madhubala Verma, Adv.  
For the Respondent/s : Mr. Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      28-04-2023                      Heard learned counsel for the appellant, learned  
counsel for the informant and learned Special P.P. for the State.

This is an appeal under Section 14 (A)(ii) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for regular bail vide order  
dated 16.11.2022 passed by the learned 1<sup>st</sup> Additional Sessions  
Judge-cum-Special Judge SC/ST (P.O.A.) Act, Sitamarhi in  
connection with Sitamarhi SC/ST P.S. Case No.74 of 2019,  
F.I.R. dated 20.11.2019 registered under Sections 341, 323, 324,  
325, 447, 307, 504 and 506/34 of the Indian Penal Code and



Section 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to FIR, the appellant along with other F.I.R named accused persons having armed with iron rod, lathi and knife came at the house of the informant and abused her husband by calling out his caste name and when her husband Badri Das came out the house and asked them not to abuse them, co-accused Bhuta Raut and Mintu Raut hurled a pipe on his head due to which he sustained head injuries. When her son Ajay Das came in rescue, Mintu Raut stabbed him with knife on his back and when Dharmendra Das came in rescue, Mohan Das gave a khanti blow on his leg.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 11.10.2019 but the present F.I.R. has been instituted on 20.10.2019, after delay of more than nine days and the present occurrence took place due to admitted previous dispute between the appellant's family and the informant family. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act



attributed rather there is general and omnibus allegation against the appellant. The specific allegation is against the co-accused namely, Mintu Raut and Mohan Das and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 16.11.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge SC/ST (P.O.A.) Act, Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No.74 of 2019, with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

**(Rajesh Kumar Verma, J)**

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