

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4297 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- HARLAKHI District- Madhubani

RAM NATH MAHTO Son of Late Teji Mahto R/V- Bishaul, P.O- Bishaul,
P.S- Harlakhi, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sanjay Paswan Son of Late Rajendra Paswan Resident of village and post-
Bishaul,P.S-Harlakhi,District-Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vagisha Pragya Vacaknavi, Adv.
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-07-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 04.11.2022, passed in a case registered for the offence punishable under sections 341, 323, 504, 506/34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. It is alleged that this appellant along with other co-accused persons assaulted and abused the informant by caste name.

4. It is submitted that allegation of assault is general



against the appellant and no specific overt act has been alleged against him. Dispute arose over partition of ancestral property. Incident did not take place within public view, as such, no case under SC/ST Act is made out.

5. Counsel for the parties oppose the prayer for bail.
6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned ASJ-1st-cum-Special Judge, SC/St, Madhubani, in connection with Harlaxhi Police Station Case No. 69 of 2022.

(Prabhat Kumar Singh, J)

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