

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4415 of 2022**

Arising Out of PS. Case No.-248 Year-2022 Thana- KALYANPUR District- East Champaran

1. Hira Mahto S/O Inardeo Mahto Resident Of Village- Bahuara Sujan, P.S.- Kalyanpur, District- East Champaran.
2. Arjun Mahto @ Arjun Kumar Mahto Son Of Hira Mahto Village- Bahuara Sujan Ps- Kalyanpur Dist- E. Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. DUKHAN DAS S/O LATE SUKHAL DAS Resident of village- Shambhuchak Tola, Bhatvaliya Ward no- 09, P.S.- Kalyanpur, District- East Champaran.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Shanti Bhushan Singh  
For the Respondent/s : Mr.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      10-05-2023                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned counsel for the State submits that he has complied with the order dated 22.03.2023 but nobody appears on behalf of the respondent no. 2.

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 02.11.2022, passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 248 of 2022, registered under Sections 341, 323, 324, 504, 325, 354(b),



506/34 of the IPC and Sections 3(1) (r) (s)(k)(i)/3(2)(va) of SC/ST Act.

Appellants are said to have abused the informant and also assaulted him.

It is submitted by learned counsel for the appellants that the appellants are 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 occurrence took place on 01.09.2022 but FIR has been lodged on 06.09.2022 and there is no explanation for delay which creates serious doubt about the prosecution case. He further submits that appellant no. 1 has one criminal antecedent and appellant no. 2 has no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), East Champaran, Motihari



in connection with Kalyanpur P.S. Case No. 248 of 2022,  
subject to the condition as laid down under Section 438 (2) of  
the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

devendra/-

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