

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.217 of 2023

Arising Out of PS. Case No.-353 Year-2022 Thana- BHELDI District- Saran

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1. CHANDAN MAHTO S/O LATE JAGU MAHTO Resident of village- Patrahi, P.O.- Aphar, P.S.- Bheldi, District- Saran at Chapra.
 2. VIMAL MAHTO S/O LATE JAGU MAHTO Resident of village- Patrahi, P.O.- Aphar, P.S.- Bheldi, District- Saran at Chapra.
 3. NAGENDRA MAHTO S/O BHANDARI MAHTO Resident of village- Patrahi, P.O.- Aphar, P.S.- Bheldi, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. LALITA DEVI W/O ANIL RAM Resident of village- Chandpura, P.O.- Aphar, P.S.- Bheldi, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jeetendra Narayan, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order of this Court, respondent no.2
was informed about her appearance in this case by learned
Spl.P.P. for the State but nobody appears on her behalf.

This is an appeal under section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act 2015(hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
vide order dated 26.11.2022, passed by learned 3rd Additional



District and Sessions Judge-I,-cum-Spl. Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Bheldi P.S. Case No.353 of 2022, registered u/s 341, 323, 325, 307, 354-B, 504, 506 r/w 34 of the IPC and sections 3(1)(r)(s)(w), 3(2)(va) of the SC/ST Act.

As per F.I.R., the F.I.R. named accused persons including the appellants tried to outrage the modesty of the informant and abused her by caste name. On alarm, when her family members came to save her, the accused persons assaulted them and abused them by caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants there is no specific overt act against the appellants to have abused the informant by her caste name. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that from perusal of the F.I.R., it is itself clear that the appellants have abused the informant by taking her caste name, there is direct allegation against them.



Considering the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the appellants on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

However, appellants are at liberty to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

Accordingly, this appeal is hereby dismissed.

(Anjani Kumar Sharan, J)

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