

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.323 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- SC/ST District- East Champaran

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1. Nageshwar Mahto Son Of Late Suba Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 2. Mahabir Mahto Son Of Late Suba Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 3. Pawan Mahto Son Of Late Bhageshwar Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 4. Niranjana Mahto Son Of Late Bhageshwar Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 5. Ramesh Mahto Son Of Mahabir Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 6. Shailesh Mahto Son Of Mahabir Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 7. Parmesh Mahto Son Of Mahabir Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 8. Pardeep Mahto Son Of Nageshwar Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 9. Bali Mahto Son Of Tribhuwan Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 10. Sunita Kuwar Wife Of Late Bhageshwar Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 11. Shanti Devi Wife Of Bali Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 12. Roshni Devi Wife Of Parmesh Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 13. Nilu Devi @ Ritu Devi Wife Of Ramesh Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran
 14. Seeta Devi Wife Of Nageshwar Mahto Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Kumar Son Of Devendra Das Resident Of Village - Dakshini Husaini, Ward No. 4, P.S.- Dumariya Ghat, District- East Champaran

... .. Respondent/s



Appearance :

For the Appellant/s : Mr. Karandeep Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.
Mr. Sanjay Kumar, Adv.
Mr. Ranjeet Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-09-2024 Heard learned counsel for the appellants, learned
Spl. Public Prosecutor appearing on behalf of the State and
learned counsel for the Respondent No. 2.

2. This appeal has been filed against the order dated 12.12.2023 passed by learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with A.B.P. No. 5623 of 2023 arising out of SC/ST P.S. Case No. 56 of 2023, registered under Sections 147, 148, 149, 341, 323, 307, 324, 354-B, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(g), w(i), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. The prosecution case, in brief, is that all the F.I.R. named accused persons including these appellants assaulted informant and others and abused them by caste name. It is further alleged that the accused persons also took away cement, bricks, iron rod worth Rs. 50,000/- and Rs. 50,000/- cash.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the



present case. Further submission is that both parties are co-villagers and there is admitted land dispute between them for which proceeding under Section 144 Cr.P.C. was initiated earlier at the instance of appellants, and appellant no. 14 also filed a case being Dumariyaghat P.S. Case No. 34 of 2005 against informant and others. Allegation of assault is general and omnibus. Injuries allegedly caused by these appellants are simple in nature. The recital of F.I.R. does not disclose that any member of the public was present at the time of incidence, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 oppose the bail application and submit that appellants are named in the First Information Report with allegation of assault and abuse.

6. Considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East



Champaran at Motihari in connection with A.B.P. No. 5623 of 2023 arising out of SC/ST P.S. Case No. 56 of 2023.

7. Accordingly, the impugned order dated 12.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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