

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1019 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- SC/ST District- Begusarai

1. Pankaj Kumar Son Naresh Mahto R/o Vill.- Hussaina Diara, Ward No.-7 P.S.- Ballia, Dist.- Begusarai
2. Naresh Mahto Son of Dhanuki Mahto R/o Vill.- Hussaina Diara, Ward No.-7 P.S.- Ballia, Dist.- Begusarai
3. Kailash Mahto @ Kailash Kumar Son of Naresh Mahto R/o Vill.- Hussaina Diara, Ward No.-7 P.S.- Ballia, Dist.- Begusarai
4. Bijali Mahto @ Chandan Kumar Son of Naresh Mahto R/o Vill.- Hussaina Diara, Ward No.-7 P.S.- Ballia, Dist.- Begusarai
5. Mito Mahto @ Mito Kumar Son of Naresh Mahto R/o Vill.- Hussaina Diara, Ward No.-7 P.S.- Ballia, Dist.- Begusarai
6. Madho Mahto Son of Dhanuki Mahto R/o Vill.- Hussaina Diara, Ward No.-7 P.S.- Ballia, Dist.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Anisha Kumari W/o Neeraj Kumar @ Bangali Rajak R/o Vill.- Hussaina Diara, Ward No.-7, P.S. Ballia, Dist.- Begusarai, Pin No.-851211

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For the Respondent No.2:	:	Mr. Atul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2024

Re.: I.A. No.1 of 2024

Appellants have filed the aforesaid interlocutory application for condonation of delay of 123 days in preferring this appeal.

2. Heard learned counsel for the appellants and learned Special PP for the State on the aforesaid I.A.

3. Finding the ground taken by the appellants in the aforesaid I.A. for condonation of delay made in preferring this appeal is



sufficient and in the interest of justice, aforesaid delay in preferring this appeal is hereby condoned and aforesaid I.A. is accordingly allowed.

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4. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

5. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.07.2023 passed by learned Special Judge (SC/ST Act), Begusarai in connection with SC/ST P.S. Case No. 28 of 2023 registered under Sections 341, 323, 324, 354B, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) (w), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. Appellants are said to have abused the informant and her husband by taking their caste name and also assaulted them.

7. Earlier the appellants have moved before this Court for the same relief vide Cr. Appeal (SJ) No.3507 of 2023, which was dismissed as withdrawn with a liberty to renew their prayer if



chargesheet is filed against them. Now, the chargesheet has been filed against the appellants vide Charge sheet No.41/2023.

8. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellant Nos.1 to 5 have no criminal antecedent, whereas appellant no.6 has one criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

10. In the facts and circumstances of the case, let the above named appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Begusarai in



connection with SC/ST P.S. Case No.28 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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