

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1413 of 2024

Arising Out of PS. Case No.-175 Year-2022 Thana- MARANCHI District- Patna

Pintu Mahto Son of Sadan Mahto Resident of Village- Rajesh Nagar, Police
Station- Maranchi, District- Patna

... .. Appellant/s

Versus

The State of Bihar Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, A.P.P.
For the Informant	:	Mr.Kumar Mangalam, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 19-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State as well as learned
counsel for the informant.

2. The instant appeal has been preferred by the appellant against the order dated 24.02.2024 passed by the learned Exclusive Special Judge, SC/ST Patna whereby and whereunder the prayer for bail of the appellant in connection with Special Case No. 41 of 2023 arising out of Maranchi P.S. Case no. 175 of 2022 registered for the offence under Sections 341, 323, 385, 387, 354, 379, 504, 506 and 34 of I.P.C. and Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act was rejected.

3. As per prosecution case, appellant and others are said to have called the informant. It is alleged that ransom



money was demanded from the informant which was received by the her under Indra Awas Scheme. It is further alleged that informant is said to have been assaulted and she has also been threatened to be killed.

4. Learned counsel for the appellant submits that though the occurrence took place on 04.06.2022 but the F.I.R. was lodged on 19.11.2022 for which no plausible explanation has been given by the informant. He further submits that appellant bears no criminal antecedent. He further submits that appellant is in custody since 24.02.2024 and charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific allegation against the appellant, merely, there is allegation to call the informant which was also not specific. The allegation against the appellant is general and omnibus in nature. He further submits that co-accused Jitendra Mahto has already been granted bail by this Court vide Cr. APP (SJ) No. 5093 of 2023 and the case of present petitioner stands more or less on similar footing. He further submits that appellant has not taken caste name of informant in public view. In the light of the aforesaid submission, no case is made out against the appellant under the provision of SC/ST Act.



5. The learned Special Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the appellant. Learned counsel for the informant submitted that appellant and others are said to have called the informant.

6. Considering the facts and circumstances of the case, period of custody, there is no specific allegation against the appellant, keeping in view clean antecedent, co-accused person has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, impugned order dated 24.02.2024 is hereby set aside and present appeal is allowed.

The appellant is directed to be enlarged on bail in connection with Special Case No. 41 of 2023 arising out of Maranchi P.S. Case no. 175 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Patna subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the appellant tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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