

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1367 of 2022

Arising Out of PS. Case No.-451 Year-2019 Thana- KAHALGAON District- Bhagalpur

1. DINESH MAHTO S/o Yamuna Prasad Mahto Resident of Village- Santhali Tola Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur.
2. Bahadur Mahto S/o Yamuna Prasad Mahto Resident of Village- Santhali Tola Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur.
3. Dafli Mahto S/o Yamuna Prasad Mahto Resident of Village- Santhali Tola Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur.
4. Budhwa Mahto S/o Dhiraj Mahto Resident of Village- Santhali Tola Mathurapur, P.S.- Shivnarayanpur, District- Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : M. Shweta Kumari
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-06-2024 1. Heard learned counsel for the appellants and learned Special P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 10.03.2022 in A.B.P. No. 201 of 2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 451 of 2019 registered for the



offences punishable under Sections 341, 323, 504, 506, 379 and 34 of the Indian Penal Code read with Sections 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that informant alleges that on 14.07.2019, at 08:00 PM while he along with his friend were sitting at *Aanganwadi* center when Jaynath Mahto and Raja Mahto in a drunken condition came and started abusing them by taking caste name and also threatened to kill them and when the mother of the informant came, the accused persons along with the appellants started assaulting with *lathi*, *gandasa*, *farsa* and also snatched silver chain worth Rs. 1,000/-.

4. The learned counsel for the appellants submits that the allegation of assault is general and omnibus in nature. It is further submitted that as far as allegation of snatching silver chain is alleged, the same is ornamental and the sections of the IPC areailable and *prima facie* in the nature of allegation, no offence under the SC/ST Act is made out.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.



6. In view of the submissions made by the learned counsel for the appellants, the order dated 10.03.2022 in A.B.P. No. 201 of 2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 451 of 2019 registered for the offences punishable under Sections 341, 323, 504, 506, 379 and 34 of the Indian Penal Code read with Sections 3(1)(r)(s) of the SC/ST Act, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 451 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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