

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1650 of 2024

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

Krishna Mahto @ Karish Kumar S/o Sri Mohit Mahto R/o vill - Rajesh
Nagar, Malpur, P.S. - Maranchi, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jarikini Devi W/o Sri Chandramauli Paswan R/o vill - Malpur, P.s. -
Maranchi, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Kumar Anand, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr.Kumar Mangalam, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 12-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been preferred by the appellant against the order dated 09.02.2024 passed by the learned Exclusive Special Judge SC/ST Act, Patna whereby and whereunder the prayer for anticipatory bail of the appellant in connection with 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 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 Pintu Mahto has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. APP (SJ) No. 3823 of 2023. 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 anticipatory bail of the appellant.



Learned counsel for the informant submitted that appellant and others have assaulted the informant and threatened to be killed.

6. Considering the facts and circumstances of the case, there is no specific allegation against the appellant, keeping in view clean antecedent, co-accused persons have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, impugned order dated 09.02.2024 is hereby set aside and present appeal is allowed.

7. The appellant is directed to be enlarged on anticipatory bail in connection with Spl. 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 learned Exclusive Special Judge SC/ST Act, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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