

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2172 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- BARBIGHA District- Sheikhpura

Bijay Mahto @ Vajay Mahto Son of Arjun Mahto Resident of Village -
Bhadarhi, Police Station - Barbigha, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gautam Kumar Son of Budhan Chaudhary Resident of Village - Bhadarhi,
Police Station - Barbigha (Keoti O.P.), District - Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-08-2024 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor 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 against the rejection of prayer for bail vide
order dated 20.04.2024 passed by the learned 1st Additional
District and Sessions Judge -cum- Special Judge, SC/ST (POA)
Act, Sheikhpura in B.P. No. 429 of 2024 arising out of Barbigha
P.S. Case No. 14 of 2024 dated 05.01.2024 registered for the
offence/s punishable u/ss 341, 323, 307, 504 and 506 read with
section 34 of the Indian Penal Code and sections 3(i)(r), 3(1)(s)/



3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, while the informant was unloading the sand from the tractor near his house, in the meantime, the co-accused Uday Mahto came and abused by calling his caste name and he also assaulted him with iron rod on his head. Thereafter, the accused Fulchan Mahto assaulted on the head of one Dharmendra Chaudhary causing injury, the other co-accused Sanjay Mahto assaulted on the head of Ravindra Chaudhary causing head injury, the accused Bijay Mahto and Raushan Mahto assaulted Budhan Chaudhary with lathi causing injury. It is further alleged that all the accused persons entered his house and abused and assaulted him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has one criminal antecedent which has been disposed in Lok Adalat as stated in para 3 of the bail petition. The appellant is in custody since 16.03.2024.



5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 20.04.2024 passed by the learned 1st Additional District and Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Sheikhpura in B.P. No. 429 of 2024 arising out of Barbigha P.S. Case No. 14 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Sheikhpura in B.P. No. 429 of 2024 arising out of Barbigha P.S. Case No. 14 of 2024.

(Chandra Prakash Singh, J)

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