

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2972 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- NTPC District- Patna

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LALTUSH MAHTO @ LALTUSH KUMAR SON OF DINESH MAHTO
VILLAGE- BARH NAWADA (KUSHWAHA NAGAR), P.S.- NTPC,
DISTT.- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SUNAINA DEVI WIFE OF LATE DHURI PASWAN VILLAGE-
NAWADA, P.S.- NTPC, DISTT.- PATNA

... .. Respondent/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 21-09-2024 Heard learned counsel for the appellant as well as

learned counsel for the informant.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 07.05.2024 passed by the learned Special Judge, SC/ST Act, Patna in NTPC P.S. Case No. 35 of 2024 (Serial No. 80 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 34 of the Indian Penal Code & Section 3(1)(r)(s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.



3. Allegedly, on 05.03.2024, the informant's sons were working in *Bhatta*. Meanwhile, the petitioner and other accused persons named in the FIR came there and started assaulting his son namely Chandan Kumar. Further, the petitioner stabbed iron rod in the neck of his son namely Chandan Kumar. Thereafter, people gathered at the place of occurrence and the injured was rushed to the hospital.

4. The learned counsel for the appellant has submitted that the appellant is a person of clean antecedent and has falsely been implicated in this case. No incriminating material was recovered from his possession. He has submitted further that the injuries are simple in nature and the appellant is under custody since 06.03.2023.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances specially the fact that the injuries are simple in nature and the petitioner is a person of clean antecedent, the appeal is allowed and the impugned order dated 07.05.2024 passed by the learned Special Judge, SC/ST Act, Patna is set aside.

7. Accordingly, the appellant above-named, shall be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with NTPC P.S. Case No. 35 of 2024 (Serial No. 80 of 2024).

(Nawneet Kumar Pandey, J)

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