

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3767 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- SHEKHPURA District- Sheikhpura

1. Podina Mahto @ Roushan Kumar Son Of Chhotan Mahto @ Chutu Mahto Resident Of Village - Matokhar, Police Station - Sheikhpur, District - Sheikhpura
2. Vikash Kumar @ Vikash Mahto Son Of Chhotan Mahto @ Chutu Mahto Resident Of Village - Matokhar, Police Station - Sheikhpur, District - Sheikhpura
3. Yogendra Prasad @ Yogendra Mahto Son Of Chhotan Mahto @ Chutu Mahto Resident Of Village - Matokhar, Police Station - Sheikhpur, District - Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Vikash Dhadhi Lalbanshi Dhadhai Resident Of Village - Surdaspur, Police Station - Sheikhpur, District - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajanan Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-03-2024 Heard learned counsel for the appellants and learned counsel for the informant 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 against the refusal of prayer for anticipatory bail vide order dated 20.07.2023 passed by the learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST Act, Sheikhpura in connection with Sheikhpura P.S. Case No. 245 of



2023 dated 18.04.2023 registered for the offence/s punishable u/ss 341, 323, 307 and 504 read with 34 of the Indian Penal Code and Sections 3(i)(r)(s) (va)3 (2) of the SC/ST Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused the informant and others by taking his caste name and assaulted the informant with fists, bamboo and iron rod causing injury.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellants. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 20.07.2023



passed by the learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST Act, Sheikhpura in connection with Sheikhpura P.S. Case No. 245 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST Act, Sheikhpura in connection with Sheikhpura P.S. Case No. 245 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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