

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4137 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- SC/ST District- East Champaran

SONALAL MAHATO @ SONALAL MAHTO S/O MUNNILAL MAHATO
@ MUNNILAL MAHTO R/O VILLAGE- SEWRAHAN, P.S- HARSIDHI,
DISTT.- EAST CHAMPARAN.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. INDU DEVI W/O SURESH RAM R/O VILL- SEWRAHAN, P.S-
HARSIDHI, DISTT.- EAST CHAMPARAN.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Suraj Kumar Tiwari Mr. Roop Kishan
For the Respondent/s	:	Mr. Sadanand Paswan
For the Respondent No.2:	:	Mr. Kundan Rathore @ Kundan Kumar Ms. Kriti Pathak

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-01-2024 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and 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 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 08.08.2023 passed by learned Special Judge
(SC/ST Act), East Champaran, Motihari in connection with
SC/ST P.S. Case No.17 of 2023, registered under Sections 341,
323, 347, 379, 354(B), 504, 506, 34 of the Indian Penal Code



and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, the appellant along with others went to the place of occurrence and began to damage the properties of the complainant and destroyed the crops in the complainant's field. When the complainant protested, the appellant abused her by her caste name and pushed her down and assaulted her.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of about 1 ½ months in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. He further submits that the complainant kept cow wastage in front of the land of the appellant and when the appellant protested and asked her to remove the same, the complainant threatened the appellant to falsely implicate him in a case as she belongs to SC/ST category. The appellant gave an application to the local panchayat body and on which Gram Kachari was



organized in which the complainant was asked to remove the wastage of cow from that land (Annexure-P2). Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 vehemently opposed the prayer for bail.

6. In the facts and circumstances of the case as there is no specific overt act against the appellant, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with SC/ST P.S. Case No.17 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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