

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4060 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SC/ST District- Bhagalpur

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1. Ajay Mahto @ Ajay Kumar S/o Bisheshwar Mahto R/o vill - Paisrahar, P.s. - Bath, Distt. - Bhagalpur
 2. Brajesh Mahto @ Brajesh Kumar Mahto S/o Bisheshwar Mahto R/o vill - Paisrahar, P.s. - Bath, Distt. - Bhagalpur
 3. Awadhesh Mahto @ Awadhesh Kumar S/o Bisheshwar Mahto R/o vill - Paisrahar, P.s. - Bath, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulekha Kumari D/o Devnarayan Das R/o vill - Paisraha, P.S. - Bath, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For Respondent No. 2	:	Mr. Debesh Kumar Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 07.08.2024, passed in a case registered for the offence punishable under Sections 341, 323, 354B, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. As per the prosecution case, on 09.02.2024 at about 11 AM, while the informant was at the door of one Mainu



Das, in the meantime, these appellants, armed with country made pistol in their hands, came there and started abusing informant by caste name. It is further alleged that on protest, Appellant No. 1 caught hold of informant from behind with both his hands and pressed her private parts. Thereafter, Appellant Nos. 2 and 3 held *salwar* of informant and threw her on the ground and put their hand on private part of informant. Thereafter, when mother of informant tried to save her, all the accused persons abused her by caste name and assaulted informant and fled away.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and has falsely been implicated in this case. As a matter of fact, one Brahmadev Kumar had entered into an agreement with brother of informant, namely Chhattis Das, with regard to sale of a land appertaining to Khata No. 258, Khesra No. 379, Mouja-Pasraha, Rakba- 1 katha, P.S.- Bath, Sultanganj, District-Bhagalpur and brother of informant had also given Rs. 4,87,200/- as part consideration money, however, Brahmadev Kumar sold the said piece of land to Appellant No. 1 and in retaliation, this false and concocted case has been lodged. It is further submitted that informant and her family members are in



habit of lodging false cases against innocent persons and after extracting money from them, they compromise the cases. Moreover, the F.I.R. does not disclose that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellants claim clean antecedents.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 07.08.2024 passed by the Court of learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with A.B.P. No. 1838 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III-cum-Special



Judge, SC/ST Act, Bhagalpur, in connection with Bhagalpur P.S.
Case No. 6 of 2024.

(Prabhat Kumar Singh, J)

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