

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4319 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- KASMA District- Aurangabad

1. Sintu Kumar Son Of Radheshyam Mahto Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad
2. Sunil Kumar Verma Son Of Mahavir Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad
3. Satendra Mahto Son Of Kuldeep Mahto Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad
4. Rabindra Mahto Son Of Mahavir Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad
5. Virendra Mahto Son Of Kuldeep Mahto Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad
6. Ganesh Kumar Son Of Keshodhari Mahto Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad
7. Suresh Mahto Son Of Ramratan Mahto Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kamlesh Paswan Son Of Late Ramdev Paswan Paswan Resident Of Village - Mubarakpur, P.S. - Kasma, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nikita Mittal

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-04-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. Despite valid service of notice, no one appears on behalf of the informant.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 11.08.2023 passed by the



learned court of Special Judge, (SC/ST)-cum 1st Addl. Dist. & Sessions Judge, Aurangabad in connection with Kasma P.S. Case No. 125 of 2023, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 325, 379, 307, 354, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)/3(w)(I)(ii)/3(2)(ra) of the S.C./S.T. (POA) Act.

4. As per the prosecution case, the appellants and other co-accused persons are alleged to have abused the informant and also assaulted the informant with sword, *lathi* and axe causing injuries to him. It is further alleged that when Ranjeet Paswan came to save him, the co-accused Ramesh Mahto assaulted him by means of *tangi* causing head injury. When the family members of the informant came to save, they were assaulted by the co-accused, Naresh Kumar Verma and Rakesh Kumar and also snatched gold earring of Kajal.

5. Learned counsel for the appellants submitted that the appellants are innocent and have falsely been implicated in this case. The allegation of abusing against the appellants is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellants. The appellants have no criminal antecedent as stated in para 3 of the appeal. There is land dispute between both the parties and also there is case and counter case between both the parties.



6. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellants and submitted that the appellants have assaulted the informant and his family members.

7. 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 11.08.2023 passed by the learned court of Special Judge, (SC/ST)-cum 1st Addl. Dist. & Sessions Judge, Aurangabad in connection with Kasma P.S. Case No. 125 of 2023 is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, the above named appellants, in the event of their arrest/ 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 learned court of Special Judge, (SC/ST)-cum 1st Addl. Dist. & Sessions Judge, Aurangabad in connection with Kasma P.S. Case No. 125 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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