

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4423 of 2023

Arising Out of PS. Case No.-469 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. MANJAY KUMAR MAHTO SON OF BALESHWAR MAHTO VILLAGE- KARINGA MUSEHARI, PS- CHAPRA MUFFASIL, DIST- SARAN
2. SANJAY MAHTO SON OF BALESHWAR MAHTO VILLAGE- KARINGA MUSEHARI, PS- CHAPRA MUFFASIL, DIST- SARAN
3. AJAY KUMAR MAHTO SON OF BALESHWAR MAHTO VILLAGE- KARINGA MUSEHARI, PS- CHAPRA MUFFASIL, DIST- SARAN
4. VIJAY KUMAR MAHTO SON OF BALESHWAR MAHTO VILLAGE- KARINGA MUSEHARI, PS- CHAPRA MUFFASIL, DIST- SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. LILAWATI DEVI WIFE OF SHREE KISHUN CHOUDHRI VILLAGE- KARINGA MUSEHARI, PS- CHAPRA MUFFASIL, DIST- SARAN, PIN 841301

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ankur Prakash Sinha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2024 1. Heard learned counsel for the appellants and the learned Special P.P.

2. The learned counsel for the appellants at the outset seeks permission to withdraw the appeal with respect to appellant no.1 Manjay Kumar Mahto and appellant no.4 Vijay Kumar Mahto.

3. Permission is accorded.

4. This is an appeal under Section 14-A(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 21.08.2023 in A.B.P. No. 2906 of 2023 passed by the learned Exclusive Special Judge (SC/ST), Chapra, Saran in connection with Muffasil P.S. Case No. 469 of 2023 registered under Sections 341, 323, 324, 325, 354, 379, 427 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST (POA) Act.

5. Learned counsel for the appellants submits that appellant no.2 and 3 are persons with clean antecedent and have been falsely implicated in the present case by the informant. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that even allegation of assault is not specific and it is not a case under section 307 of the Indian Penal Code and the entire family members were implicated.

6. No one appears on behalf of the respondent no.2.

7. Considering the submission of the learned counsel for the appellants, let the appellant no.2 and 3, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be



released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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