

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4574 of 2023

Arising Out of PS. Case No.-410 Year-2023 Thana- WARISLIGANJ District- Nawada

1. JANARDAN MAHTO SON OF LATE BRAHAMDEO MAHRO
RESIDENT OF VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST-
NAWADA
2. GUDDU MAHTO@SURESH PRASAD SON OF SHIV NANDAN
PRASAD RESIDENT OF VILLAGE- HAIWATPUR, PS-
WARISALIGANJ, DIST- NAWADA
3. SATYAM KUMAR SON OF SHALO PRASAD@KAUSHAL KISHORE
RESIDENT OF VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST-
NAWADA
4. BINDU PRASAD SON OF DWARIKA MAHTO RESIDENT OF
VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST- NAWADA
5. SULO MAHTO@SURENDRA PRASAD SON OF BHONU PRASAD
RESIDENT OF VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST-
NAWADA
6. VILASH PRASAD@RAMVILASH PRASAD SON OF DWARIKA
MAHTO RESIDENT OF VILLAGE- HAIWATPUR, PS-
WARISALIGANJ, DIST- NAWADA
7. VIVEK PRASAD@VIVEKANAND PRASAD SON OF SITA RAM
MAHTO RESIDENT OF VILLAGE- HAIWATPUR, PS-
WARISALIGANJ, DIST- NAWADA
8. SAMBHU PRASAD SON OF RAMOTAR MAHTO RESIDENT OF
VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST- NAWADA
9. SANJAY PRASAD SON OF DWARIKA MAHTO RESIDENT OF
VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST- NAWADA
10. KRISHNA MAHTO@ KRISHNANDAN SON OF BRAHAMDEO
MAHTO RESIDENT OF VILLAGE- HAIWATPUR, PS-
WARISALIGANJ, DIST- NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. BALI MANJHI SON OF LATE PRASADI MANJHI RESIDENT OF
VILLAGE- HAIWATPUR, PS- WARISALIGANJ, DIST- NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar , Advocate
For the Respondent/s : Mr. Binay Krishna, APP



For OP 2 : Rabindra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 14.09.2023 , passed in a case registered for the offence punishable under sections 147, 148 , 149, 323 , 307 and 504 of the Indian Penal Code and and 27 of Arms Act and sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act (POA), whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, while the informant and others assembled near the statue of Baba Ambedkar, in the meanwhile, all the accused persons named in the FIR, along with other co-accused persons, came there and they prevented the informant and other to host the national flag. When the informant and others tried to pacify the matter, then all the accused persons abused by caste name and assaulted the informant and others by means of lathi, danda, etc. It is further alleged that Gautam Kuma, Satyam Kumar, and Janardan Prasad opened fire by means of a rifle, but no one sustained injury. It is further alleged that they also damaged the finger of the statue of Baba



Ambedkar.

4. It is submitted on behalf of the appellants that there is general and omnibus allegation against these appellants. As a matter of fact, on the alleged date and time of occurrence, the informant and his associates in order to grab the plot No. 1857 (Land of Math) forcibly tried to keep the statue of Baba Saheb Ambedkar, which was objected to by the villagers. They then resorted to firing. It is further submitted that, in order to save their skin from the case of Warsiliganj P.S. Case no. 201 of 2023, this false and concocted case has been lodged. Rest of the allegation is super addition to make the case grave in nature . It is not the case of the prosecution that any member of public was present at the time of incidence as such, no case under SC/ST Act is made out. Petitioner claims clean antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellants only and the impugned order is set aside. 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



the learned Exclusive Special Judge, SC/StPOA Act, Nawada
in connection with Warsaliganj Police Station Case No. 410
of 2023 .

(Prabhat Kumar Singh, J)

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