

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4929 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- BANIAPUR District- Saran

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1. Binod Mahto Son Of Ram Chandra Mahto @ Manai Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 2. Mannu Mahto Son Of Jay Kishore Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 3. Champion Mahto Son Of Jay Kishore Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 4. Kamlesh Mahto Son Of Ram Narayan Mahto @ Jattu Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 5. Nagendra Kumar @ Nagendra Das Son Of Nirmal Kumar Das Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 6. Sanjeet Mahto Son Of Shankar Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 7. Ranjeet Mahto Son Of Shankar Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran
 8. Akhilesh Mahto @ Takal Mahto Son Of Ram Narayan Mahto Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar Son of Om Prakash Ram Resident Of Village- Kamta, Ps- Baniyapur, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Parashar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P. Mr. Ashutosh Tripathy, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-07-2024 Heard the parties.

2. This appeal has been filed against the order dated 16.09.2023 passed by learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 2923 of 2023 arising out of Baniyapur P.S. Case No. 201 of 2023,



registered under Sections 147, 341, 323, 427, 324, 385, 307 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. The prosecution case, in brief, is that on 04.06.2023 at around 12 PM, while the informant was sitting in his house, all the F.I.R. named accused persons came there and threatened him to withdraw the earlier case lodged against them and also abused him by his caste name.

4. Learned counsel for the appellants submits that due to petty dispute between the parties, quarrel took place between them and taking advantage of the situation, this false and concocted case has been lodged. Allegation against the appellants is general and omnibus. It is next submitted that during pendency of the case, dispute between the parties has already been resolved.

5. Learned counsel for the respondent no. 2 does not dispute the contention made on behalf of the appellants.

6. Considering the fact that the dispute has already been resolved between the parties, let the appellants, as named above, in the event of their arrest/surrender within a period of six



weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with A.B.P. No. 2923 of 2023 arising out of Baniyapur P.S. Case No. 201 of 2023.

7. Accordingly, the impugned order dated 16.09.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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