

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5093 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- MARANCHI District- Patna

JITENDRA MAHTO @ JITENDRA KUMAR @ DHOLAN MAHTO Son of
Ram Mahto @ Ramanand Mahto R/o vill - Rajesh Nagar, P.S. - Maranchi,
Distt. - Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. Jarikani Devi W/o Chandramauli Paswan R/o vill - Malpur, P.S.- Maranchi,
Distt. - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bhola Prasad
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2024 Heard the parties.

2. The present appeal has been filed against the order dated 09.10.2023 passed by learned Exclusive Special Judge SC/ST (POA) Act, Patna whereby and whereunder the prayer for bail of the appellant in connection with Special Case No.41/2023 arising out of Maranchi P.S. Case No.175/2022 for the offence punishable under Sections 341, 323, 385, 387, 354, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(Va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act was rejected.

3. As per prosecution case, petitioner and others are said to have assaulted and demanded ransom money from the informant, which has received to the informant under Indira Awas Scheme.

4. Learned counsel for the appellant submits that the



appellant is not in any way connected with the alleged occurrence and there is no specific overt-act attributed against the appellant, rather allegation are general and omnibus in nature. The appellant is in judicial custody since 18.09.2023 and bears no criminal antecedent. He further submits that charge-sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that on similar and identical allegation, co-accused Chhotu Mahto has already been granted bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.2266/2023 and on the principle of parity, the appellant also deserves same treatment. He further submits that the appellant has not taken the caste name of the informant in public view so no offence is made out under the provisions of the SC/ST Act against him.

5. Learned A.P.P. for the State vehemently opposed the prayer of bail of the appellant.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, period of custody, co-accused has already been granted, argument advanced on behalf of both sides and also taking into consideration the material available on record, the Court is inclined to allow the instant appeal. Accordingly, the appeal is allowed and the impugned order 09.10.2023 in connection with Special Case No.41/2023 arising out of Maranchi P.S. Case No.175/2022 by the learned Exclusive Special



Judge SC/ST (POA) Act, Patna is set aside.

7. The appellant is directed to be enlarged on bail in connection with Special Case No.41/2023 arising out of Maranchi P.S. Case No.175/2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST (POA) Act, Patna, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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