

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.51 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Dudhnath Mahto Son Of Late Sitaram Mahto Resident Of Village - Hamidpur, P.S. - Baikunthpur, District - Gopalganj
2. Mannu Kumar Son Of Dudhnath Mahto Resident Of Village - Hamidpur, P.S. - Baikunthpur, District - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjeet Baitha, Son of Vishwanath Baitha Resident of Village - Hamidpur, P.S. - Baikunthpur, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajendra Kumar Singh, Advocate
		Mr. Manjit Kumar Bishen, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 25-04-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 07.12.2023 passed by learned 11th Additional Sessions Judge-cum- Exclusive Special Judge SC / ST Act, Gopalganj in connection with Baikunthpur P.S. Case No. 296 of 2023 registered under Sections 341, 323, 385, 504 and 506 / 34 of the IPC and Section 3(1)(r)(s) of SC/ST (POA) Act.

3. The allegation against the appellants in the FIR is



that on 04.07.2023 at about 09:13 PM an audio message came on his mobile through whatsapp from a different mobile which he downloaded and hears, in which filthy and derogating words were used against him and threatening was also given to do away his life and continued 7 audio messages of such type came on his mobile and when they asked about the mobile number then the villagers told the said number of Dudhnath Mahato and Munna Kumar. When the informant went to ask about it from them, whereupon dudhnath Mahato became furious and derogating words were used by taking his caste name & said that why you have not paid Rs. 2 lacs and if you will not pay the said amount, then you will be killed and by taking his caste name abused and got fled away from there. The informant suspected that if he not pay the aforesaid amount the accused person will kill him.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. He further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellants are in custody since 29.11.2023.

5. On perusal of the FIR, case diary and impugned



order dated 07.12.2023, it appears that on the basis of typed report of the informant FIR was lodged against two accused persons. It is submitted by learned counsel for the appellants that occurrence took place on 04.07.2023 but FIR was registered on 28.08.2023. It appears on the basis of the case diary that allegation in the FIR against the accused person is of abusing the informant by caste name and also demand of extortion money of Rs. 2 lacs and no injury caused by accused persons including the present appellants. Appellants are in custody since 29.11.2023.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal.

8. Accordingly, the appeal is allowed and order dated 07.12.2023 passed by learned 11th Additional Sessions Judge-cum- Exclusive Special Judge SC / ST Act, Gopalganj is hereby set aside.

9. Let the appellants be released 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 Court below/



concerned Court in connection with Baikunthpur P.S. Case No.
296 of 2023.

(Ramesh Chand Malviya, J)

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