

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5659 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- MAHKAR District- Gaya

-
1. Bikram Mahto @ Bikram Kumar Mahto Son Of Mithilesh Mahto R/O Village- Sapnera, P.O.- Khizarsarai, P.S.- Mahkar, Dist.- Gaya
 2. Umapati Devi Wife Of Mithlesh Mahto R/O Village- Sapnera, P.O.- Khizarsarai, P.S.- Mahkar, Dist.- Gaya
 3. Bipin Kumar @ Vicky Kumar Son Of Vijay Mahto R/O Village- Sapnera, P.O.- Khizarsarai, P.S.- Mahkar, Dist.- Gaya
 4. Parmanand Kumar Son Of Anil Mahto R/O Village- Sapnera, P.O.- Khizarsarai, P.S.- Mahkar, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarita Devi Wife Of Upender Chaudhary R/O Village - Sapnera, P.O.- Khizarsarai, P.S.- Mahkar, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2024 At the outset, learned counsel for the appellants submitted that due to typographical error the details of appellant nos. 1 and 4 has wrongly been mentioned in the bail petition, in support thereof, a supplementary affidavit has already been filed.

2. Despite valid service of notice, no one appears on behalf of the respondent no. 2.

3. Heard the parties.

4. This appeal has been filed against the order dated 21.11.2023 passed by learned Exclusive Special Judge, SC/ST



Special Court, Gaya in connection with A.B.P. No. 399 of 2023 arising out of Mahkar Case No. 228 of 2023, registered under Sections 147, 323, 380, 452, 504, 34 of the Indian Penal Code and Sections 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

5. It is alleged that appellants assaulted and abused the informant and her daughter-in-law and snatched away golden chain and took away a box and suitcase.

6. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case without any cause and reason. There is general and omnibus allegation against them. Specific allegation of abuse by caste name is against co-accused Mithilesh Mahto. Further submission is that the present case is counter blast of Mahkar P.S. Case No. 52 of 2020 which was lodged by co-accused Mithilesh Mahto (husband of appellant no. 2). It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellants claim clean antecedent.

7. Learned Spl. Public Prosecutor for State opposes the



bail application.

8. Considering the aforesaid facts, 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 learned Exclusive Special Judge, SC/ST Special Court, Gaya in connection with SC/ST P.S. Case No. 19 of 2023.

9. Accordingly, the impugned order dated 21.11.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

utkarsh/-

U		T	
---	--	---	--

