

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2913 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- BARUN District- Aurangabad

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1. Ram Bachchan Mahto @ Bachchan Mahto Son of Lalan Mahto Resident of Vill- Barundih, P.S.- Barun, District- Aurangabad.
 2. Dhirendra Mahto Son of Lalan Mahto Resident of Vill- Barundih, P.S.- Barun, District- Aurangabad.
 3. Jitendra Mahto @ Jitan Mahto @ Jitendra Mehata Son of Lalan Mahto Resident of Vill- Barundih, P.S.- Barun, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Pramila Kumari Wife of Binod Kumar Rajak Resident of Vill- Barun Khemda, P.S.- Barun, District- Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Om Prakash Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-04-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 14.05.2024 passed by learned Special Judge, SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in connection with A.B.P. No. 865 of 2024 arising out of Barun P.S. Case No. 12 of 2024, registered under Sections 341, 323, 504, 379, 354/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s),



3(1)(w)(i) 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.

4. Informant alleged that these appellants committed theft of paddy crops from the field of informant and when informant along with her husband went to enquire about the theft, these appellants abused them by caste name and assaulted them.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. F.I.R. has been lodged after inordinate delay of nine days which itself raises doubt over veracity of the prosecution case. As a matter of fact, the land in dispute belongs to the appellants and it is informant and her husband who tried to grab the land. Right of record of the land in question is created in the name of the appellants and they are regularly paying rent to the government. It is further submitted that informant earlier also filed a case under Section 144 Cr.P.C. bearing case No. 450 of 2023 against appellant No. 1 for the same land and learned Sub-Divisional Judicial Magistrate, Aurangabad disposed of the same *vide* order dated 13.06.2023 by observing that the matter relates to title dispute. Allegation of assault is general and omnibus. Moreover,



it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight 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 Special Judge, SC/ST cum 1st Additional District & Sessions Judge, Aurangabad in connection with Barun P.S. Case No. 12 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 14.05.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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