

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4299 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- CHAORI District- Bhojpur

1. Raj Kumar Mahto @ Raj Kumar S/o Suresh Mahto R/o vill - Purahara, P.S. - Chawari, Distt. - Bhojpur
2. Amarjeet Kumar S/o Shri Janardan Mahato R/o vill - Purahara, P.S. - Chawari, Distt. - Bhojpur
3. Suraj Kumar S/o Shri Manoj Mahato R/o vill - Purahara, P.S. - Chawari, Distt. - Bhojpur

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar
For the Respondent/s	:	Mr. Usha Kumari 1
For the Informant	:	Mr. Awadhesh Kr. Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-07-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 05.07.2024 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Chauri P.S. Case No. 57/2024 dated 21.05.2024 registered for the offence/s punishable u/s 147, 149, 341, 323, 307, 427, 504 and 506 of the Indian Penal Code



and Sections 3(2)(v) and 3(1)(r)(s) of the SC/ST Act.

3. As per the prosecution case, when the informant was returning from market, the appellants and the co-accused persons came holding rod and lathi and the co-accused, Janardhan Mahto assaulted the informant on head with iron rod, causing injury. When the informant's son came to rescue, they assaulted him with lathi-danda. Thereafter, nearby people gathered there and saved them. Further, the appellant and the co-accused persons destroyed the motorcycle of the informant.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. Learned counsel has submitted that the specific allegation of assault is against the co-accused, Janardhan Mahto. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 22.05.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail by submitting that the informant died during the course



of treatment.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 05.07.2024 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Chauri P.S. Case No. 57/2024 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Chauri P.S. Case No. 57/2024, with further condition:-

(i). The appellants are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(ii). The appellants are directed to co-operate in the trial in the court below.

(Chandra Prakash Singh, J)

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