

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.987 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -CHARIABARIYARPUR District-
BEGUSARAI

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BamBam Mahton son of Piro Mahton resident of village Khanjaharpur PS Cheria
Bariyarpur Dist. Begusarai

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special PP

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 19-12-2016

1. Heard learned counsel for the appellant as well as learned Special P.P
for the State

2. This criminal appeal has been preferred against the order dated
14.7.2016 passed by Special Judge SC/ST, Begusarai in Cheria Bariyapur P.S.
Case no. 133/2015 by which and whereunder he refused to enlarge the appellant
on bail.

3. Appellant and two others are named in the first information report.
It is alleged that they were seen fleeing from the field of sugar cane where dead
body of the deceased was recovered.

4. Initially, case was registered under sections 302, 201/34 of the Indian
Penal Code but after investigation, police submitted charge sheet for the offence
of the SC/ST (Prevention of Atrocities) Act also.

5. Submission on behalf of the appellant is that having similar
allegation co- accused Piro Mahton and Ram Bilash Mahton have already been



granted the privilege of bail by this court and so far as application of SC/ST (Prevention of Atrocities) Act is concerned, the same appears to be doubtful.

6. Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that having similar allegation co- accused Piro Mahton and Ram Bilash Mahton have already been granted the privilege of bail by this court, this criminal appeal is allowed and the impugned order 14.7.2016 passed by Special Judge SC/ST, Begusarai in Cheria Bariyapur P.S. Case no. 133/2015 is, hereby, set aside.

7. Accordingly, appellant above named is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Cheria Bariyapur P.S. Case no. 133/2015.

(Hemant Kumar Srivastava, J)

Shahid/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2016
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