

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1184 of 2017**

Arising Out of PS.Case No. -159 Year- 2016 Thana -BIND District- NALANDA  
(BIHARSHARIFF)

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Rakesh Mahto S/o Arjun Prasad Mahto Resident of Village - Sadarpur, P.S.  
Bind, District - Nalanda.

.... .... Appellant/s

Versus

1. The State of Bihar.  
2. Manju Devi W/o Raj Kumar Dharhi Resident of Village - Govindpur,  
P.S. Bind, District - Nalanda.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rudal Singh

For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      18-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the order dated 09.02.2017 passed by the learned A.D.J., 1<sup>st</sup>, Nalanda at Biharsharif.in Bind P.S. Case No.159/16 registered for the offences punishable under Section 341, 342, 147, 149, 323, 354(B), 379, 504, 506 of the I.P.C. & 3(i) (d) (c) (r) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby and whereunder the prayer for bail on behalf of the appellant has been rejected.

Allegation, as per the F.I.R., is that while the informant was going along with her mother Sarswati Devi and



reached near the culvert, the appellant along with other co-accused surrounded and conspired to commit a murder and on protest, it is alleged that her head was tonsured, her face was blackened and then she was moved around the village. During midst thereof, police came and rescued her.

It has been submitted on behalf of the appellant that nothing has been alleged against the appellant and one similarly situated co-accused has already been allowed bail vide order dated 26.4.2017 passed in Cr.Misc.No.898/17.

Heard learned Special P.P. also.

Having heard both sides and in view of the fact that there is general and omnibus allegation and other co-accused has been granted bail, let the appellant be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Nalanda at Biharshari, in Bind P.S. Case No.159/16, subject to the conditions that:

- (i) The bailers of the appellant should be his close relatives having sufficient immovable properties within the jurisdiction of the concerned court.



(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is allowed. The impugned order dated 09.02.2017 passed by the learned Additional Sessions Judge-1<sup>st</sup>, Nalanda at Bihar Sharif, in Bind P.S. Case No.159/16 is set aside.

**(Vinod Kumar Sinha, J)**

AnilKrSinha/-

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