

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3391 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -SC/ST District- NAWADA

- =====
1. Arjun Mahto
 2. Guru Sahai Mahto
 3. Bhola Mahto @ Bhola Prasad
 4. Mithlesh Mahto @ Mithlesh Prasad All sons of Meghan Mahto @ Ganesh Mahto Resident of Village - Bharausa, P.S. - Muffasil, District - Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bharat Lal

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14(2)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T.), Nawada in SC/ST P.S. Case No. 25 of 2017 registered under Sections 147, 148, 149, 447, 341, 323, 504, 506, 307 of the Indian Penal Code as well as Section 3(i)(r) of the SC/ST Act.

The FIR does not reveal that the occurrence, allegedly, took place within the public purview.

Submission is that the word ‘Harizan’ is no name of any caste in the Schedule of the Constitution.



Considering the aforesaid fact, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this application stands allowed.

(Birendra Kumar, J)

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