

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1836 of 2018

Arising Out of PS.Case No. -131 Year- 2015 Thana -SAHIYARA District- SITAMARHI

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1. Mukesh Mahto Son of Rajendra Mahto
2. Bablu Mahto @ Bablu Kumar Mahto Son of Yogendra Mahto
3. Guddu Mahto @ Guddu Kumar Mahto Son of Jhagru Mahto All residents of
Village - Maudah, P.S. - Sahiyara, District - Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Virendra Kumar, Adv

For the Respondent/s : Smt.Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-05-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Sahiyara P.S.Case No. 131 of 2015 registered under Sections 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code as well as under Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, for trivial dispute, the



appellants and others allegedly committed abuse and assault against the informant. There is allegation of taking caste name at the time of abuse.

Submission is that the police had submitted final form after investigation. However, the learned court below has differed with the police report.

In the circumstances, apparently two views are possible. Hence, for the purpose of consideration for prayer of anticipatory bail, the view already taken by the police should be preferred, hence 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.



Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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