

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3347 of 2017

Arising Out of PS.Case No. -150 Year- 2017 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Dipak Kumar, S/o Bhim Mahto @ Pramod Mahto, R/o Village - Rampur Kodar, P.S. - Kesharia, District - East Champaran.
 2. Arjun Mahto, S/o Shivnath Mahto, R/o Village – Rampur Kodar, P.S.- Kesharia, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Tiwary

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 15-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) 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 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), East Champaran, Motihari in Kesharia P.S. Case No. 150 of 2017 registered under Sections 341, 323, 324, 325, 326, 307, 379/34 of the Indian Penal Code as well as Section 3(i)(x) of the SC/ST Act.

According to FIR, during course of the occurrence of abuse and assault, appellant no. 2 Arjun Mahto is alleged to have caused sharp cut injury at the neck and jaw of the informant.

The Doctor has found grievous injury as per the impugned order.



Hence, I am not inclined to enlarge the appellant no. 2 Arjun Mahto on anticipatory bail. Hence, his prayer for bail is refused.

Appellant no. 2 Arjun Mahto may surrender and pray for regular bail.

There is no allegation against appellant no. 1 Dipak Kumar of any intentional humiliation to a member of the scheduled caste, hence, let the **appellant no. 1**, above named, in the event of his 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) 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 appellant no. 1 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 appellant no. 1.

Accordingly, this appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

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