

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3590 of 2017**

Arising Out of PS.Case No. -500 Year- 2016 Thana -PATORI District- SAMASTIPUR

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1. Vijendra Mahto @ Vijendra Kumar Mahto, Son of Buchi Mahto  
2. Shyam Mahto, Son of Hari Mahto  
3. Saroj Mahto, Son of Hari Mahto  
4. Niraj Mahto @ Niraj Kumar, Son of Hari Mahto  
5. Arbind Mahto, Son of Kamlesh Mahto  
6. Navin Mahto @ Navin Kumar, Son of Kamlesh Mahto  
7. Santosh Mahto @ Santosh Kumar Mahto, Son of Kokil Mahto  
8. Vijay Mahto, Son of Kokil Mahto  
9. Sanjay Mahto, Son of Kokil Mahto  
10. Nand Kishore Mahto, Son of Kokil Mahto, all Resident of Village-  
Jalapur, P.S. Patory, District- Samastipur.  
11. Ajay Rai @ Ajay Kumar Rai, Son of Mahendra Rai @ Nagendra Rai,  
Resident of Village- Narainpur, P.S. Mahnoar, District- Vaishali at Hajipur.  
12. Kamal Rai, Son of Late Pradeep Rai, Resident of Village- Rahmadpur,  
P.S. Mahnar, District- Vaishali at Hajipur. .... Appellants

Versus

The State of Bihar

.... Respondent

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**Appearance :**

For the Appellant/s : Mr. Deepak Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      02-02-2018

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 Additional Sessions Judge-1<sup>st</sup>, Samastipur in connection with Patory (Mohanpur O.P.) P.S.Case No. 500 of 2016 registered under Sections 147, 188, 341, 323, 353, 504, 506 of the Indian Penal Code as well as under Sections 3 (R (S) of the Scheduled Castes and Scheduled Tribes Act.



For land dispute, allegation of abuse by taking caste name is against appellant, Ajay Rai @ Ajay Kumar Rai and co-accused Satyendra Mahto. There is no such allegation against other appellants. Therefore, bar under Section 18 of the S.C./S.T.(P.O.A.) Act is applicable only in the matter of appellant, Ajay Rai @ Ajay Kumar Rai. Accordingly, this appeal of appellant, Ajay Rai @ Ajay Kumar Rai is dismissed as not maintainable.

Let the other 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 and the impugned order is set aside.

**(Birendra Kumar, J)**

Nitesh/-

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