

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1362 of 2018

Arising Out of PS.Case No. -189 Year- 2017 Thana -RAGHUNATHPUR District- SIWAN

- =====
1. Dharmendra Mahto, S/o Tarkeshwar Mahto
 2. Savitri Devi, W/o Amar Mahto
 3. Lalita Devi, W/o Sharma Mahto, All resident of Village- Gabhirar Uttar Tola, P.S.- Raghunathpur, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-05-2018

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 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge, Siwan, in connection with Raghunathpur Police Station Case No.189 of 2017 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Specific allegation is against co-accused Sharma Mahto to have given a farsa blow at the head of the son of the informant as a result whereof son of the informant died during course



of treatment. Allegation against the appellants is that they had taken hold of the deceased at the time of commission of assault.

Submission is of false implication. The appellants have got no criminal antecedent and they are in custody since 07.03.2018.

Considering the entire facts, let the appellants, above named, be released on bail **after completion of investigation** on furnishing bail bond of Rs.20,000/- (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, with 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, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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