

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3577 of 2018

Arising Out of PS. Case No.-157 Year-2018 Thana- OBRA District- Aurangabad

Ram Prasad Mehta @ Ram Prasad Mahto S/o Laxmi Mahto, R/o Vill.- Bishun
Bigha, P.S.- Jamhore, District- Aurangabad, (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-12-2018

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 vide order dated 28.08.2018 in Obra P.S. Case No. 157 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Aurangabad (Bihar) in connection with the aforesaid case registered under Sections 341, 323, 324, 325, 307, 448/34 of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s), 3(2)(v) of the SC/ST Act.

Submission is that since daughter-in-law of the appellant had purchased certain property from daughter-in-law of Sheo Mahto, that was bone of contention between the parties and for that reason, false allegation has been levelled that while the appellant was watering the said field, the informant asked not to do and for that



reason, the occurrence of abuse and assault was committed.

Considering the background of allegation, chances of *mala fide* prosecution can not be ruled out, hence, let the appellant, 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 anticipatory bail on furnishing bail bond 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 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 appellant as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	10.12.2018
Transmission Date	10.12.2018

