

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1483 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -GHOSBARI District- PATNA

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1. Bipin Kumar, Son of Sri Rajeshwari Mahto
 2. Ful Chand Mahto @ Ful Chand Kumar, Son of Sri Nand Lal Mahto
 3. Bala Mahto @ Bala Kumar, Son of Sri Yogendra Mahto
 4. Jitendra Mahto @ Jirtendra Prasad, Son of Sri Basant Manto
 5. Rajesh Mahto @ Rajesh Kumar @ Rajesh Prasad, Son of Late Sri Bacchu Mahto

All are resident of village Shahari, P.S. Ghoswari, District Patna

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge (SC/ST Act), Patna in Ghoswari P.S. Case No. 05 of 2018 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Section 3(1)(x) of the SC/ST Act.

Allegation is that the appellants were pressurizing the informant to carry their goods on the horse of the informant and



for that reason occurrence of abuse and assault took place.

Submission is that there is case and counter case between the parties. There is no allegation of commission of abuse by taking caste name nor there is specific allegation as to which of the accused had uttered what name of the caste of the informant.

Considering the aforesaid fact, 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 bail on furnishing bail bonds of Rs.20,000/- (rupees 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, 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 and 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

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

