

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2146 of 2018

Arising Out of PS.Case No. -55 Year- 2017 Thana -SC/ST District- SEKHPURA

- =====
1. Sahdev Mahto, Son of Hari Mahto
 2. Punit Mahto @ Punit Kumar
 3. Raj Kumar Mahto @ Raj Kumar
Both son of Sahdeo Mahto
 4. Santosh Kumar, Son of Dhapchu @ Dwarika Mahto
All resident of village Gagri (Sirari O.P.) P.S. Sheikhpura, District Sheikhpura

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

With

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Criminal Appeal (SJ) No. 2390 of 2018

Arising Out of PS.Case No. -55 Year- 2017 Thana -SC/ST District- SEKHPURA

- =====
1. Arjun Mahto, Son of Late Parsadi Mahto,
 2. Priyadarshi Kumar,
 3. Nitish Kumar, Both Son of Arjun Mahto, All resident of Village- Gagri (Sirari O.P.), Police Station- Sheikhpura (Sirari), District - Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

(In CR. APP (SJ) No.2146 of 2018)

For the Appellant/s : Mr.

For the Respondent/s : Mr.

(In CR. APP (SJ) No.2390 of 2018)

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the parties.

These appeals are 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 orders dated 31.05.2018 and 21.06.2018 in A.B.P. No. 302 of 2018 and A.B.P. No. 370 of 2018 respectively passed by the learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Case No. 329 of 2017 arising out of Sheikhpura SC/ST P.S. Case No. 55 of 2017 registered under Sections 341, 323, 354, 448, 504, 379, 506/34 of the Indian Penal Code as well as Sections 3(2)(va)3(r)(s)(w)(ii) of the SC/ST Act.

Submission is that the children of two family had quarreled during their play and for that reason, false allegation is there that all the appellants entered into the house of the informant and committed abuse. Specific allegation is against appellant Santosh Kumar and Priyadarshi Kumar that they had committed assault with rod at the head of the informant whereas the Doctor has found simple and single injury on the head of the informant. Further, allegation is of commission of theft and attempted to outrage the modesty of the daughter of the informant.

Submission is that concocted allegation is there, just to put wrong pressure. None of the appellants has got any criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Funding substance in the submission aforesaid, 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned orders are set aside and these appeals stand allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	01.09.2018
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