

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2522 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- SC/ST District- Sheikhpura

Madan Mahto, S/o Late Ram Baran Mahto, R/o Village- Belauni, P.S.-Korma,
District- Sheikhpura.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

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) Amendment Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.06.2018 passed by the learned 1st Additional Sessions Judge, Sheikhpura in A.B.P. No.278 of 2018, arising out of Sheikhpura SC/ST Police Station Case No.05 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code as well as Section 27 of the Arms Act and Section 3 (2) (va), 3 (R) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant, *Madan Mahto* had lodged Korma Police Station Case No.65 of 2017 for occurrence of kidnapping of his daughter by nephew of the present informant.

Submission is that for that grudge the present case has been lodged with allegation that the F.I.R. named persons along with 30-35 unknown persons allegedly committed assault and abuse. The background of the allegation does not reveal that the appellant intended to humiliate the informant by taking caste name and with that intention occurrence was committed.

Considering the aforesaid facts, 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 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



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

(Birendra Kumar, J)

abhishek/-

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Transmission Date	

