

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2022 of 2018

Arising Out of PS.Case No. -52 Year- 2018 Thana -KUTUMBA District- AURANGABAD

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1. Mahesh Mehta, S/o Bishundeo Mehta.
 2. Bishundeo Mehta, S/o Late Munshi Mehta.
 3. Jitu Mehta, S/o Late Karmdeo Mehta,
 4. Punam Devi @ Poonam Devi, W/o Mahesh Mehta, All resident of Village-Matpa Tola Dila Par, P.S.- Kutumba, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-08-2018

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) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 08.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Aurangabad, in Kutumba Police Station Case No.52 of 2018, registered under Sections 379/504/506/341/323/34 of the Indian Penal Code, Section 3/4 of Witch Craft Prohibition Act and Sections 3(1) (r)/3(1)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that after investigation the police found the



allegation against the appellants true for bailable sections of Indian Penal Code as well as under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Submission is that the appellants have got no criminal antecedent and false implication is there due to village politics.

Finding 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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