

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1935 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -SC/ST District- SEKHPURA

- =====
1. Dilip Mahto, S/o Baso Mahto,
 2. Ganesh Mahto S/o Mahadeo Mahto, Both R/o Vill.- Sijhori, P.S.- Karendey, District- Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhim Sen Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

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 21.02.2018 passed by the learned Additional Sessions Judge 1st -cum- Special Judge (SC/ST Act), Sheikhpura, in A.B.P. No.41 of 2018, arising out of SC/ST Police Station Case No.1 of 2018, registered under Sections 341/323/379/504/34 of the Indian Penal Code and Sections 3(2)(va)/3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Sushma Kumari, the daughter of the appellant Dilip Mahto had lodged Karendey P.S. Case No.42 of 2017 on 08.11.2017 for the offence under Section 376/34 of the Indian Penal Code and Section 8 of the POCSO Act against Sumit Kumar and another. Thereafter, this



case was lodged allegedly at the instance of Sumit Kumar to put pressure for withdrawal of the case. There is general and omnibus allegation of commission of assault by four unknown persons. The informant came to know name of all the assailants including the appellants later on.

Considering the background and nature of allegation, 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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