

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2610 of 2018

Arising Out of PS.Case No. -149 Year- 2018 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

1. Rambhaju Mahato son of Late Shankar Mahahto
2. Madan Mahato son of Shri Rambhaju Mahato
3. Amar Mahato son of Shri Rambhaju Mahato
4. Ashok Mahato son of Shri Rambhaju Mahato
5. Dipendra Mahato son of Shri Rambhaju Mahato
6. Tetari Devi wife of Shri Rambhaju Mahato
7. Ghughali Mahato son of Shri Jagannath Mahato
8. Pahari Mahato son of Bahadur Mahato
9. Nand Kishore Mahato son of Bahadur Mahato
10. Rambha Devi wife of Ashok Mahato
11. Chanda Devi wife of Amar Mahato All are residents of Village- Parasi, Police
Station- Shikarpur, District- West Champaran. Appellant/s

Versus

1. The State of Bihar Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the parties.

Appellant No.3-Amar Mahato has already been arrested in this case. Hence, his prayer for anticipatory bail is infructuous.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 08.06.2018 in A.B.P. No.1035 of 2018 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Shikarpur P.S.Case No. 149 of 2018 registered under Sections



447,147,149,323,325,504 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

Considering the general and omnibus nature of allegation for the offences under Indian Penal Code which are bailable, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2018
Transmission Date	20.08.2018

