

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3631 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- RIVILGANJ District- Saran

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1. Arun Mahto, S/o Chandeshwar Mahto,
 2. Jailal Mahto, S/o Chandeshwar Mahto,
 3. Sanjay Mahto, S/o Jai Ram Mahto,
 4. Parmatma Mahto, S/o Jai Lal Mahto, All are R/o Vill. - Ajmer Ganj, P.S. - Revilganj, District - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan, S.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 13-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.08.2018 in A.B.P. No. 2650 of 2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in connection with Revilganj P.S. Case No. 185 of 2018 registered under Sections 341, 323, 324, 379, 427, 308/34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

There is case and counter case. The occurrence of assault allegedly took place for plucking of blackberry (Jamun). There is specific allegation against appellant no. 1



Arun Mahto to have caused injury at the head of the informant with a *Dab* (a sharp cutting weapon). The Doctor has found head injury on the person of the informant.

Since **appellant no. 1 Arun Mahto** had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Hence, his prayer for anticipatory bail is refused. Appellant no. 1 Arun Mahto may surrender and pray for regular bail.

There is general and omnibus allegation against other appellants of commission of abuse and assault.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the background of allegation, let the **appellant nos. 2, 3 and 4**, 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 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



appellant nos. 2, 3 and 4 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 **appellant nos. 2, 3 and 4** as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the **appeal is party dismissed** and **party allowed**.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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