

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4200 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- PUPRI District- Sitamarhi

Subodh Mahto, S/o Harichandra Mahto, Resident of Village - Pupri Nuniya
Tola, P.S. - Pupri, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

Learned counsel for the appellant seeks permission to make necessary correction in para 1 as well as prayer portion of the memo of appeal in course of the day.

Prayer is allowed.

The appeal is delayed by 17 days.

The delay has been explained in I.A. No. 3500 of 2018. Hence, the delay is condoned.

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 18.06.2018 in A.B.P. No. 814 of 2018/202 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special



Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Pupri P.S. Case No. 160 of 2018 registered under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

The motorcycle of the informant touched with the motorcycle of the appellant and for that reason general and omnibus allegation is of commission of abuse, assault and theft.

Submission is that the background of allegation would show that the appellant was not intending to humiliate the member of the scheduled caste or scheduled tribes. The appellant has got no criminal antecedent. The occurrence took place at the spur of the moment.

Finding substance in the submission aforesaid, 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 anticipatory 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.12.2018
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