

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.791 of 2018

Arising Out of PS.Case No. -84 Year- 2017 Thana -PARAIYA District- GAYA

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1. Rameshwar Mahto @ Kameshwar Mahto,
 2. Kishori Yadav,
 3. Shiv Govind Yadav, All sons of Late Sohan Yadav.
 4. Nagendra Yadav, Son of Shiv Govind Yadav,
 5. Priyanka Devi, Wife of Nagendra Yadav.
 6. Dewanti Devi, Wife of Devendra Yadav, All are resident of village- Baraila, P.S.- Paraiya, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(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 by order dated 06.09.2017 passed by the learned Special Judge (S.C./S.T.), Gaya in connection with Paraiya P.S. Case No. 84 of 2017 registered under Sections 341, 323, 354, 427, 448, 514 and 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/ 3(2)(va) of the SC/ST Act.

The delay in filling of the present appeal is explained in I.A. No. 1431 of 2018, hence, the delay is condoned.

Accordingly, the aforesaid I.A. stands disposed of.



For dispute relating to Rasta, between the two family who are neighbourers, allegation against the appellants is of commission of abuse and assault by taking caste name of the informant. There is case and counter case.

Considering the aforesaid fact, 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/- (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 appellants shall fully cooperate with the investigation and 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)

Kundan/Sanjeev

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

