

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2155 of 2018

Arising Out of PS. Case No.-278 Year-2017 Thana- LAUKHA District- Madhubani

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1. Manoj Mahto @ Manoj Kumar Mahto, Son of Late Maksudan Mahto,
 2. Ashok Mahto @ Ashok Kumar Mahto, Son of Late Shiv Ram Mahto,
 3. Ram Pujan Mahto, Son of Late Shiv Ram Mahto,
 4. Hemnath Mahto, Son of Late Shiv Ram Mahto,
 5. Sanjeev Mahto @ Sanjeev Kumar Mahto, Son of Late Gopal Mahto,
 6. Jaleshwar Mahto, Son of Late Gopal Mahto,
 7. Bijay Mahto @ Bijay Kumar Mahto, Son of Jaleshwar Mahto,
 8. Raj Kumar Mahto, Son of Jaleshwar Mahto,
 9. Ram Awtar Mahto, Son of Late Dukhi Mahto,
 10. Brahamdeo Mahto, Son of Late Tejilal Mahto, All are resident of Village- Udhava Bara, P.S.- Laukaha, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 27-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 11.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in A.B.P. No.453 of 2018, arising out of Laukahi Police Station Case No.278 of 2017 registered under Sections 147, 435, 504 of the Indian Penal Code and Sections 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



There is case and counter case with identical allegation of torching the house of each other. The allegation is general and omnibus. The appellants have stated on oath that they have got no criminal antecedent.

Considering the general and omnibus nature of allegation and background 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/- (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
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