

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3394 of 2017

Arising Out of PS.Case No. -323 Year- 2017 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajesh Mahto son of Rama Shrey Bhagat
 2. Naresh Mahto son of Ramashrey Mahto
 3. Awadesh Mahto @ Adhesh Mahato son of Ramashrey Bhagat
 4. Mahesh Mahto son of Ramashrey Bhagat
 5. Ramashrey Bhagat son of Late Puran Mahto All are residents of Village
- Maliya Tola, Police Station - Chiraiya, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dilip Kumar Tondon, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-01-2018 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 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran, Motihari, in Chiraiya Police Station Case No. 323 of 2017 registered under Sections 341/323/504/506/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. does not disclose that the occurrence



allegedly took place within public view or the occurrence took place for the reason that the appellants wanted to humiliate the informant knowing that he is a member of scheduled caste nor there is allegation of taking caste name or abused by taking caste name.

Considering the aforesaid facts, 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/- (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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

