

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.711 of 2018

Arising Out of PS.Case No. -120 Year- 2017 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Rupam Mahatha, Son of Ramji Mahtha, resident of Village Malinagar,
P.S. Chakmehsi, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dronacharya, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-03-2018

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, Samastipur, in Chakmehsi Police Station Case No.120 of 2017 registered under Sections 341/342/323/324/504/506/34 of the Indian Penal Code and Sections 3(i) (r)/3(1)(s)/3(2)(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR does not reveal that the appellant assaulted to the informant with intent to humiliate a member of the scheduled caste nor there is any allegation of commission of abuse by taking caste name.



Hence, 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 bail on furnishing bail bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

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