

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1412 of 2018

Arising Out of PS.Case No. -408 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

=====

Rajbali Mahto, Son of Late Mohan Mahto, Resident of Village-Koreia, P.S.-
Sugauli, District-East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A (1) & (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “ S.C/S.T Act”) against the refusal of prayer for regular bail by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, East Champaran, Motihari in Sugauli P.S. Case No.408 of 2017 (SC/ST Trial No.42 of 2018) registered under Sections 341, 323, 302, 34, 120B of the Indian Penal Code as well as under Sections 3(2) (v) (a) of the S.C./S.T. Act.

On information the informant saw that his father was lying unconscious. The people there had informed that the appellant and others had assaulted him, which resulted in unconsciousness and



subsequent death.

Submission of the learned counsel for the appellant is that false case has been lodged due to land dispute. The postmortem report would reveal that Doctor has not found any external or internal injury and the matter appears to be a natural death due to cardiac failure.

Considering the fact that there is no substantial matter against the appellant, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA) Act, East Champaran, Motihari in Sugauli P.S. Case No.408 of 2017 (SC/ST Trial No.42 of 2018).

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

(Birendra Kumar, J)

AnilKrSinha/
Abhishek

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

