

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3028 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -SC/ST District- MADHEPURA

- =====
1. Gurudeo Mehta, Son of Late Maini Mehta.
 2. Surendra Mehta, Son of Gurudeo Mehta, Both resident of Village- Baijnathpur, P.S.- Bihariganj, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 26-10-2018

Learned counsel for the appellants is permitted to correct the sections of the offence in para-1 of the memorandum of appeal.

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 vide order dated 13.07.2018 passed by the learned Additional Sessions Judge 1st -cum- Special Judge, Madhepura, in A.B.P. No.556 of 2018, arising out of Madhepura SC/ST Police Station Case No.24 of 2018, registered under Sections 147/149/341/323/354/384 of the Indian Penal Code and Sections 3(i)(s)/3(2)(w)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant was a mediator in the land dispute among the family members of the appellants. Since the parties were not



satisfied with the decision they allegedly abused and assaulted by taking caste name.

Submission is that the informant has been setup by Pintu Mehta, a co-sharer of the appellants.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that the witnesses have supported the allegation before the Supervising Authority.

Considering the entire facts of the case, 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 impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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