

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2777 of 2018**

Arising Out of PS. Case No.-258 Year-2017 Thana- SURSAND District- Sitamarhi

Rakesh Mahto @ Rakesh Kumar @ Rakesh Mohati, S/o Shiv Sharan Mahto,  
R/o Village- Sursand Ashok Chawk, P.S.- Sursand, District- Sitamarhi.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Dinesh Jha

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 30-08-2018**

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.07.2018 passed by the learned Additional Sessions Judge-1<sup>st</sup>-cum-Special Judge S.C./S.T. Act, Sitamarhi in A.B.P. No.1197 of 2018/234 of 2018, arising out of Sursand Police Station Case No.258 of 2017 registered under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There is general and omnibus allegation of commission of assault against all the F.I.R. named accused persons including



the appellant. The injury report available at *annexure-2* reveals that all the injuries were either lacerated, abrasion or swelling.

Considering the general and omnibus nature of allegation and the statement of the appellant on oath that he has got no criminal antecedent, 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 bond of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

**(Birendra Kumar, J)**

abhishek/-

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