

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2538 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- VIBHUTIPUR District- Samastipur

Vijay Mahto @ Vijay Kumar Mahto, S/o Ram Bilas Mahto, R/o Vill.-
Khokhsaha, P.S.- Bibhutipur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Prakash Sharma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 21.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Samastipur in A.B.P. No.704 of 2018, arising out of Vibhutipur Police Station Case No.39 of 2018 registered under Sections 323, 341, 379, 504 of the Indian Penal Code and Sections 3 (1)(r), 3(i) (s), 3(i)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant has lodged complaint to the *Gram Kachhari*, a copy of the same is at *Annexure-2*. It was cited in the complaint that crop of the appellant got grazed by the informant of



this case through a goat and for that reason an altercation had taken place. However, the informant threatened to lodge the case and thereafter, the present case was lodged with allegation of commission of abuse and assault by taking caste name.

Considering the background 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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CAV DATE	
Uploading Date	
Transmission Date	

