

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2536 of 2018

Arising Out of PS. Case No.-192 Year-2017 Thana- BAJPATTI District- Sitamarhi

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Brajesh Kumar Mahto @ Brajesh Kumar, S/o Ramashish Mahto, R/o Vill.-
Supilagadha Got, P.S.- Bajpatti, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Binay Krishna

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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) (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 20.06.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Sitamarhi in A.B.P. No.730 of 2018/177 of 2018, arising out of Bajpatti Police Station Case No.192 of 2017 registered under Sections 341, 323, 353, 427 of the Indian Penal Code and Section 3 (i) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There is case and counter case. The counter case would reveal that wife of the informant had taken money for getting voter-Id card prepared of different persons including the appellant, which



was not prepared and for that reason occurrence of abuse and assault took place, whereas the present F.I.R. does not reveal the reason of commission of abuse and assault committed by the appellant and others.

Considering the case and counter case as well as 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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CAV DATE	
Uploading Date	
Transmission Date	

