

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3902 of 2018

Arising Out of PS. Case No.-235 Year-2016 Thana- HISUWA District- Nawada

Mohan Mahto, Son of Ganesh Mahto, Resident of Village Sachaul P.S.
Hisua, District Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 19.07.2018 passed by the learned Additional Sessions Judge-1st, Nawada in A.B.P. No. 1039 of 2018, arising out of Hisua Police Station Case No. 235 of 2016 registered under Sections 147,341,323,307,504,302 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to FIR, there is general and omnibus allegation against the named accused persons including, the appellant of commission of assault to the wife of the informant, as a result whereof, she died during course of treatment. The



post-mortem report would reveal that the Doctor has not found any external injury on the person of the deceased and the death was due to blood clot arising out of hypertension.

Considering the aforesaid contradictions and general and omnibus nature of allegation as well as statement of the appellant on oath that he has got no criminal antecedent, 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 the learned court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant 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 appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

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