

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.644 of 2018

Arising Out of PS.Case No. -71 Year- 2017 Thana -GWALPARA District- MADHEPURA

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1. Uttimlal Mahto, S/o Late Pannalal Mahto,
 2. Jahuri Mahto S/o Late Pannalal Mahto,
 3. Naresh Mahto S/o Late Pannalal Mahto,
 4. Santosh Mahto S/o Mangal Mahto, All are R/o Village- Beergoan, P.S.- Gwalpara, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nafisuzzoha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

2 09-03-2018

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 against the refusal of prayer for bail by the learned Special Judge (S.C./S.T. Act), Madhepura, in connection with Gwalpara (Arar O.P.) P.S. Case No.71 of 2017 registered under Section 302/34 of the Indian Penal Code and Section 3(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Pursuant to a fight between two children of the locality, one Sudish Kumar was caught hold of by co-accused Mangal Mahto and was brought to his house. There, when Sudish Kumar was being assaulted, he cried for help. For the rescue of



the aforesaid Sudish Kumar, many persons including the informant and the deceased arrived; who too were assaulted by the accused persons including the appellants.

It has been submitted that for general and omnibus statement regarding all accused persons that they assaulted the informant and one Upendra Rishideo, nothing specific has been alleged against the appellants. Upendra Rishideo, in the course of treatment for the injuries suffered by him, died. The appellant is in custody since 08.12.2017.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bond 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, with 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 appeal is allowed.

(Birendra Kumar, J)

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