

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.141 of 2018**

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

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1. Mangal Mahto S/o Late Pannalal Mahto Resident of village- Beergaon,  
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, Adv.

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

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

4 12-03-2018

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.) Police Station Case No.71 of 2017 registered under Sections 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 the appellant 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 appellant.

It has been submitted that but 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 appellant. Upendra Rishideo, in the course of treatment for the injuries suffered by him, died.

The appellant is in custody since 04.07.2017.

Co-accused Ratandeo Mahto has already been allowed bail by a Coordinate Bench of this Court vide Annexure-2.

Regard being had to the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.11.2017.

Considering the aforesaid fact, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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, with 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.

Accordingly, the appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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