

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.287 of 2018

Arising Out of PS.Case No. -8 Year- 2017 Thana -SC/ST District- SUPAUL

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1. Arun Mahaseth @ Arun,
2. Bhikadi Mahaseth Both Sons of Bhola Mahaseth @ Bhola Mahto,
Residents of Village- Bheem Nagar, Police Station- Birpur & District-
Supaul.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjeev Verma, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Additional Sessions Judge-I, Supaul in connection with Supaul SC/ST P.S.Case No. 08 of 2017 registered under Sections 147,341,323,379,354,504,506 of the Indian Penal Code as well as under Sections 3(I)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes Act.

After sixteen days of occurrence, the FIR was lodged with allegation that just to pressurize the informant for withdrawal of earlier case all the FIR named accused persons who are family members, intercepted the informant



and appellant Arun Mahaseth @ Arun abused her by taking caste name. Thereafter others allegedly assaulted and committed theft.

Since specific allegation of commission of offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is there against the appellant No.1 Arun Mahaseth @ Arun. Hence, I am not inclined to enlarge him on anticipatory bail.

Accordingly, his appeal stands dismissed.

Considering the fact that there is no such allegation against appellant No.2 Bhikadi Mahaseth, hence, let him, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as 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.

With the aforesaid observation, this appeal partly



allowed and partly dismissed.

(Birendra Kumar, J)

Nitesh/-

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