

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.591 of 2018

Arising Out of PS.Case No. -6 Year- 2016 Thana -SC/ST District- PATNA

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1. Lal Mohan Bind, S/o Late Ram Sewak Mahto
 2. Raj Kumar @ Raj Kumar Mahto S/o Uttim Mahto
 3. Anil Mahto S/o Uttim Mahto
 4. Sunil Mahto @ Sunil Kumar @ Sunil Mahto, S/o Ram Sharan Mahto
 5. Kala Nag @ Kalu Naga, S/o Premchand Mahto All resident of Village-Daudpur, Bind Tola, P.S. Sahpur, District Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashwani Kumar Sinha, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-03-2018

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 anticipatory bail by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in connection with SC/ST Patna Case No.6 of 2016 registered under Sections 341/323/324/354/379/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation of commission of abuse by taking caste name of the informant is general and omnibus against all the named accused persons including the appellants. Allegation of commission of assault and attempt to outrage the modesty is specific. Similarly, the allegation of commission of theft is also



specific.

Submission is that concocted allegation is there due to some dispute for quantum of wages and the appellants have got no criminal antecedent.

Considering the aforesaid facts, let the appellants, above named, in the event of their 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 bonds 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as 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 the appeal is allowed.

(Birendra Kumar, J)

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