

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1052 of 2018

Arising Out of PS.Case No. -59 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

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1. Brahma Mahato @ Barma Mahato @ Verma Mahato @ Kanhaiya Mahto, S/o
Late Wakil Mahto, resident of Village - Kabaraj Tola, Bucheya, P.S.-
Sidhwalia, District- Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-07-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by order dated 22.02.2018 in Sidhawalia P.S. Case No. 59 of 2016 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Gopalganj in connection with Sidhawalia P.S. Case No. 59 of 2016 registered under Section 302/34 of the Indian Penal Code as well as Sections 3(2)(v), 3(x) of the SC/ST Act.

Allegation against the appellant and other named accused is of brutal assault as a result whereof victim died. The post mortem reveals that no external injury was found by the Doctor.



Submission is that co-accused Madan Mahto has already been allowed bail by a Coordinate Bench of this Court vide order dated 22.06.2017 passed in Cr. Appeal (SJ) No. 521 of 2017 (Annexure-2 series).

Learned counsel for the informant opposed the prayer for bail vehemently.

Finding substance in the aforesaid submission, 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 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.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.07.2018
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