

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.390 of 2019**

Arising Out of PS. Case No.-10 Year-2018 Thana- SC/ST District- Patna

-
1. Rajesh Mahto, son of Lagani Mahto
 2. Swarath Mahto @ Shrawarth Mahto @ Shrawan Mahto, son of Late Sakaldeo mahto
 3. Ganauri Mahto, son of Lagani Mahto
 4. Mukesh Mahto, son of Lakhan Mahto

All Resident of Village- Rampur Diyara (Bind Toli), P.S.- Maner, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamlesh Kumar Sharma

For the Respondent/s : Mr.Usha Kumari

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 11-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 21.08.2018 passed by the learned Addl. District and Sessions Judge-IV-cum-Special Judge, SC/ST, Patna in ABP No. 5984 of 2018 arising out of SC/ST P.S.Case No. 10 of 2018 registered under Sections 147, 148, 149, 307, 323, 341, 379, 504 and 506 of the Indian penal Code and Sections 3(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation as per FIR is that informant gave information about the sale of liquor by a boat to the police due to which appellants abused and assaulted him and there is specific allegation against co-accused Ganauri Mahto of causing injury by iron rod.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against them and there is case and counter case in between the parties and some of the accused persons having similar allegation have been granted privilege of anticipatory bail vide judgment dated 27.09.2018 passed in Cr. Appeal (SJ) No. 2717 of 2018.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-IV-cum-Special Judge, SC/ST, Patna in ABP No. 5984 of 2018 arising out of SC/ST P.S.Case No. 10 of 2018; subject to condition as laid down under Section



438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

suji/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

