

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.650 of 2019**

Arising Out of PS. Case No.-47 Year-2018 Thana- PAUTHU District- Aurangabad

MANTU PATHAK, aged about 22 years, (M) S/o Late Ghanshyam Pathak
R/o Village- Pauthu, P.S-Pauthu, Distt.- Aurangabad

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajiv Kumar
For the Respondent/s : Mr.Usha Kumari 1

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

3 26-03-2019 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 order dated **23.01.2019** passed by learned **1st Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Aurangabad**, in connection with **Pauthu P.S. Case No. 47 of 2018**, registered under Sections 341, 323 and 354 of the IPC and Section 3 (1) (r)/ 3(1)(s)/ 3(1) (w) (1)/ 3(2) (va) of SC/ST (Prevention of Atrocities) Act.

Informant in her written complaint has stated that on 06.06.2018 at about 3:30 P.M. while she was returning to her home, Mantu Pathak (appellant) started abusing her by her caste name and also used filthy language and when she protested, he



assaulted her.

It has been submitted on behalf of the appellant that he has committed no offence and present case has been instituted due to Bataidari dispute between the father of informant and appellant, who used to cultivate the land of appellant as Bataidar. It has been further submitted that incident is of 06.06.2018, whereas FIR has been instituted on 08.06.2018 after a delay of two days. Appellant has got no criminal antecedent and is in custody since 23.01.2019.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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