

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.581 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- GURUA District- Gaya

1. Uday Mahto
2. Shambu Kumar
3. Upendra Kumar
4. Mukesh Kumar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 26-02-2019

Heard the parties.

The appellants seek anticipatory bail in connection with Gurua P.S.Case No. 224 of 2018, registered for offences punishable under Sections 341, 323, 294, 354 (C), 504 and 506/34 of the Indian Penal Code and under Sections 3 (1) (r) (s), 2 (V-a) of SC/ST (Prevention of Atrocities) Amendment Act, 2016.

The allegation as per F.I.R. against the appellants is that when the daughter and daughter-in-law of the informant went for natural call, in the same time the appellant No.1 reached there and with ironical remark, thrown brick stone on them and upon inquiry made by the informant to the appellants, he was also assaulted with lathi-danda and abusing him in filthy language



with caste name. There is specific allegation of abusing against petitioner No.2.

Submission of the learned counsel for the appellants is that all Sections are bailable except Section 3 (1) (r) (s), 2 (v-a) of SC/ST Act and the present case is nothing but only lodged by the informant due to ill motive and the appellants have no criminal antecedents.

Heard learned Special P.P. opposes the prayer for bail.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellant Nos. 1, 3 and 4, above named, in this event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Gurua P.S. Case No. 224 of 2018, subject to condition as laid down under Section 438 of CR.P.C.

So far as the appellant No. 2 is concerned, I am not inclined to grant bail to him and accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of



four weeks from the date of order and make prayer for regular bail,
which will be considered by the learned court below on its own
merit without being prejudiced by this order of this Court.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
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