

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.610 of 2019**

Arising Out of PS. Case No.-35 Year-2018 Thana- SC/ST District- Sheikhpura *

1. Umesh Mahto Son of Baldeo Mahto
2. Subash Mahto Son of Umesh Mahto
3. Sitaram Mahto Son of Shibu Mahto
4. Suresh Mahto Son of Janki Mahto
5. Ramdeo Mahto Son of Mishri Mahto
6. Amirak Mahto Son of Mishri Mahto
7. Baldeo Mahto Son of Late Prayag Mahto
8. Sudhir Mahto Son of Suresh Mahto
All Resident of Village - Lahna, P.s.- Karande, Distt.- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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

Date : 27-02-2019

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 30.01.2019 passed by the learned 1st Addl. District and Sessions Judge, Sheikhpura in ABP No. 13 of 2019 arising out of Sheikhpura SC/ST P.S.Case No. 35 of 2018, SC/ST Case No. 118 of 2018 registered under Sections 147, 148, 149, 323, 342, and 504 of the Indian penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, 1989.

Allegation against the appellants is that they came variously armed and crushed the neck of the informant by Gamchha and spit on the ground and asked the informant to lick it.

Submission of learned counsel for the appellants is that there is case and counter case in between the parties and there is also land dispute between them as such this case has falsely been lodged in order to implicate the appellants so the case under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has not been attracted.

Nobody appears on behalf of the State.

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 1st Addl. District and Sessions Judge, Sheikhpura in ABP No. 13 of 2019 arising out of Sheikhpura SC/ST P.S. Case No. 35 of 2018, SC/ST Case No. 118 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	

