

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4441 of 2018

Arising Out of PS. Case No.-171 Year-2018 Thana- KOTWA District- East Champaran

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1. Narad Mahto
 2. Umesh Mahto @ Mahesh Mahto,
 3. Ramayan Mahto.
 4. Binda Mahto
All are Son's of Late Jagrup Mahto
 5. Marachho Devi, Wife of Binda Mahto,
All are resident of Village- Belwa Madho Taktaka Pur, P.S.- Kotwa, District-
East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Shankar Shrivastava
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 03.10.2018 passed by learned 1st Addl. Sessions Judge, East Champaran at Motihari in ABP No. 2351 of 2018 arising out of Kotwa P.S.Case No. 171 of 2018 registered under Sections 308, 323, 341, 427 and 504/34 of the Indian penal Code and Sections 3(i)(d)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants is that they called the wife of the informant Daain and also assaulted her by lathi,



bricks and stones and abused by taking caste name and also tried to uproot the Khunta and Naad

Submission of learned counsel for the appellants is that they all belong to Scheduled Tribes community and as such allegation under provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out against the appellants and so far allegation under the penal code is concerned, except appellant no. 1, there is no specific allegation of assault against any of them and the injury is found simple in nature, which will appear from Annexure-3.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, abovenamed, 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, directed to 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. Sessions Judge, East Champaran at Motihari in ABP No. 2351 of 2018 arising out of Kotwa P.S.Case No. 171 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure



with further condition that appellants shall co-operate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

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

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

