

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4361 of 2018

Arising Out of PS. Case No.-143 Year-2018 Thana- KUTUMBA District- Aurangabad

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1. Ranjan Mahto, Son of Binod Mahto,
 2. Dhiraj Mahto, Son of Ajay Mahto,
 3. Binod Mahto & Binod Mehta, Son of Shiv Sharan Mahto,
 4. Birju Mahto, Son of Mahadev Mahto,
 5. Abhisheke Mahto, Son of Birju Mahto,
 6. Ajay Mahto, Son of Binod Mahto,
 7. Arjun Mahto, Son of Baijnath Mahto,
 8. Dilip Mahto, Son of Baijnath Mahto,
- All are resident of Village- Chankap, P.S.- Kutumba, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sinku Kumari, Daughter of Pokhan Paswan, Resident of Village- Chankap, P.S.- Kutumba, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 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 05.10.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Kutumba P. S. Case No. 143 of 2018 registered under Sections 323, 341, 354, 379, 427 and 504/34 of the Indian penal Code and Section 3(i)(r)(s)/3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants, who are 08 in numbers,



is that they broken open the door of the *Gumati* of the informant and damaged the property and also assaulted the informant and his family members and it is alleged that a land dispute is going on between the parties from before.

Submission of learned counsel for the appellants is that there is nothing in the FIR to show that any specific offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been attributed against the appellants; moreover, land dispute is admitted between the parties

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, 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 Additional Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Kutumba P. S. Case No. 143 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 thier bail bonds.

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

(Vinod Kumar Sinha, J)

sujit/-

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