

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4575 of 2018

Arising Out of PS. Case No.-24 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. Kodai Mahto, Son of Late Bangali Mahto,
 2. Shivpujan Mahto, Son of Late Khushilal Mahto.
 3. Mukha Mahto, Son of Late Jhinga Mahto
 4. Chanchal Mahto, Son of Late Jhinga Mahto
 5. Hira Mahto, Son of Late Bangali Mahto.
 6. Vikash Mahto, Son of Kodai Mahto.
 7. Dinesh Mahto, Son of Kodai Mahto.
- All resident of Village- Senuwariya, Tola- Bhiriharwa, P.S.- Majhaulia,
District- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

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 27.09.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in ABP No. 1389 of 2018 arising out of Bettiah SC & ST P.S.Case No. 24 of 2018 registered under Sections 147, 149, 323, 341, 379 and 504 of the Indian penal Code and Sections 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation against the appellants is that during *Panchayati*, they abused the informant by taking his case him.

Submission of learned counsel for the appellants is that prior to lodging of this case, one case had also been lodged by the appellants' side against the informant and in order to save his skin, present case has been lodged.

Heard learned Spl. P.P also as well as learned counsel for the informant who have opposed the prayer of anticipatory bail stating that there is specific allegation against the appellants is of abusing the informant by taking caste name during *Panchayati*.

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 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in ABP No. 1389 of 2018 arising out of Bettiah SC & ST P.S.Case No. 24 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)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

