

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2016 of 2019**

Arising Out of PS. Case No.-52 Year-2019 Thana- DEO District- Aurangabad

1. Anand Kumar Mahto @ Kumar Anand Son of Sri Ramgulam Mahto Resident of Village - Israur, P.S.- Deo, Dist.- Aurangabad.
2. Pankaj Kumar Mahto @ Pankaj Kumar Son of Ranjan Kumar Resident of Village - Israur, P.S.- Deo, Dist.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Advocate. Mr. Saket Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Binay Krishna, APP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 15-05-2019

Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 24.04.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge (SC/ST Act), Aurangabad in Deo P.S. Case
No. 52 of 2019 registered under Sections 307, 353, 341, 323 and
324 of the Indian Penal Code and Section 3(1)(r)/3(1)(s)/3(2)(v)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Persons of two villages were indulged in the



assault over row of road and on intervention of the informant and the police party, they assaulted them by means of lathi, rod and stone and made the informant and some police personnel injured. Out of them, 14 persons including the appellants were apprehended while others managed to escape.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. Appellant no.1 was not present at the place of occurrence at the time of occurrence. As a matter of fact, appellant no.1 had gone to market for purchasing articles for his marriage and in the course of regressing from the market he was apprehended by the police merely on suspicion while appellant no.2 is a student of B.Sc Part I and his examination is scheduled in the month of June, 2019. He was apprehended from his house by the police. Moreover, allegation levelled against the appellants is not specific rather general and omnibus in nature. No injury report has been brought on record by the prosecution. They have no criminal antecedent and have been languishing in custody since 24.04.2019.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Deo P.S. Case No. 52 of 2019.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
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