

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4148 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- PAKARIBARAW District- Nawada

1. Rohan Mahto and Ors S/o Late Kujal Mahto,
2. Subodh Mahto, S/o Rohan Mahto,
3. Sunaina Devi, W/o Rohan Mahto All are Resident of Village-Jiuri, P.S.- Pakribrawan, District-Nawada.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-01-2019

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seeks for setting aside the order dated 29.6.2018 passed in ABP No.743 of 2018 in connection with Pakribrawan P.S.Case No.109 of 2018 for the offences punishable under Section 341, 323, 354(B), 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act by the learned Addl. District and Sessions Judge cum Spl. Judge, Nawada whereby and where-under, the appellants' application for grant of anticipatory bail has been rejected.

Allegation against the appellants and other accused persons is of obstructing the informant from constructing Indra Awas and also abusing him by caste name and when he protested



he was assaulted and the appellant no.1 and 2 and other accused persons tried to outrage the modesty of the daughter of the informant and allegation against the appellant no.3 is of thrashing the informant on the ground.

Submission of the learned counsel for the appellant is that there is land dispute and no specific allegation has been attributed against them.

Hard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far appellant no.1 Rohan Mahto and 2. Subodh Mahto are concerned, let the appellant nos.1 and 2 surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned special Judge as such the appeal against the appellant no.1 and 2 is dismissed and this appeal against the appellant no.3 Sunaina Devi is allowed and the impugned order is set aside against her, let the appellant no.1 , above named, in the event of her arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25(twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions



Judge Ist Cum Spl. Judge, Nawada in connection with
Pakribrawan P.S.Case nO.109 of 2018, subject to condition as laid
down under Section 438 of Cr.P.C.

Accordingly, this appeal is disposed of

(Vinod Kumar Sinha, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
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