

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3226 of 2019

Arising Out of PS. Case No.-216 Year-2016 Thana- HAJIPUR SADAR District- Vaishali

Mesi Mahto @ Ramesh Mahto S/o Singheshwar Mahto R/o Village-
Ismailpur, P.S.- Hajipur Sadar, District- Vaishali.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Chandra Gandhi
For the Respondent/s : Mrs. Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 06-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 05.03.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 216 of 2016 registered under Section 302/34 of the Indian Penal Code and Section 3(ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with co-accused, namely, Naresh Mahto @ Bhutta Mahto are said to have assaulted on the chest



of the husband of informant by means of elbow intruding into the house of his master who succumbed to injury during the course of the treatment.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case at the instance of the master of the deceased who is having inimical terms with the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The doctor conducting the autopsy of the cadaver of the deceased has not found any external injury on the person of the deceased. Appellant has been languishing in custody since 22.01.2019. Similarly situated co-accused, namely, Bhutta Mahto @ Naresh Mahto has been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No.58216 of 2017 vide order dated 20.12.2017.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned 1st Additional Sessions Judge cum Special Judge,
Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case
No. 216 of 2016, subject to the conditions that:

(1) Both the bailors would be a close relative of the
appellant having sufficient immovable property, who will file
an affidavit stating their relationship with the appellant.

(2) Appellant will appear before the learned Court
below during trial as and when required and failure to appear
on two consecutive dates without assigning any reason will
entail cancellation of his bail bonds.

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

(Prakash Chandra Jaiswal, J)

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