

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3967 of 2018

Arising Out of PS. Case No.-47 Year-2018 Thana- SC/ST District- Sitamarhi

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1. Subodh Mahto
 2. Ranjit Mahto, Both sons of Kailash Mahto residents of Village-Bairaha, P.S. Bathnaha, Distt.-Sitamarhi

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Virendra Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 15.9.2018 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi, in ABP No. 1529 of 2018/360 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who are made accused in Sitamarhi SC/ST P.S.Case No. 47 of 2018 registered under Sections 341, 323, 324, 354, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have abused the informant by taking her caste name and also assaulted her and appellant No.2 Ranjit Mahto assaulted the daughter of informant, causing fracture injury on her neck.

Submission of learned counsel for the appellants is that as a matter of fact husband of informant and brother of husband of informant were made accused in a case lodged by appellants' side in which they have been



convicted and due to that the present false and concocted case has been lodged.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi, in connection with Sitamarhi SC/ST P.S.Case No. 47 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 15.9.2018 is set aside.

(Vinod Kumar Sinha, J)

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Transmission Date	

