

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4563 of 2018

Arising Out of PS. Case No.-97 Year-2018 Thana- CHAKIA District- East Champaran

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1. Kamlesh Mahto Son of Birendra Mahto,
 2. Bhulawan Mahto son of Jogi Mahto
 3. Lakhindra Mahto Son of Gopal Mahto
 4. Sunil Kumar @ Sunil Mahto, son of Birendra Mahto
- All resident of village- Mansi Chhapra, P.S.- Chakiya, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

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 18.08.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 2151 of 2018 arising out of Chakiya P.S. Case No. 97 of 2018 registered under Sections 147, 148, 307, 323, 379 and 504 of the Indian penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is that while the son of



the informant was getting the lichi plucked, he went there and appellants along with other accused persons came and assaulted him by iron rod and also taken away 35 packets of lichi as well as Rs. 35,000/- cash and also abused him by taking caste name.

Submission of learned counsel for the appellants is that appellants are contractors of lichi orchard and for some dispute arisen between them, present false and concocted case has been lodged though no specific allegation has been attributed against any of the appellants.

Heard learned Spl. P.P also.

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 (POA)Act, East Champaran at Motihari in ABP No. 2151 of 2018 arising out of Chakiya P.S.Case No. 97 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)

sujiit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

