

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1322 of 2020

Arising Out of PS. Case No.-724 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Harihar Mahto @ Harihar Singh Son of Late Devraj Mahto Resident of Village - Takiya, P.S.- Sasaram (Town Model), Distt.- Sasaram (Rohtas).
2. Lalli Mahto Son of Harihar Mahto Resident of Village - Takiya, P.S.- Sasaram (Town Model), Distt.- Sasaram (Rohtas).
3. Deepak Mahto Son of Harihar Mahto Resident of Village - Takiya, P.S.- Sasaram (Town Model), Distt.- Sasaram (Rohtas).
4. Dhananjay Mahto Son of Lakshman Mahto Resident of Village - Takiya, P.S.- Sasaram (Town Model), Distt.- Sasaram (Rohtas).

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Sumeet Kumar Singh, Advocate
		Mr. Binod Kumar Singh, Advocate
For the Respondent	:	Mr. Vinay Krishna, Slp PP.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-06-2020

Heard Mr. Sumeet Kumar Singh, learned counsel
for the appellants and Mr. Vinay Krishna, learned Special Public
Prosecutor for the State.

2. This appeal has been filed under Section 14-A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 14.01.2020 passed by the learned Additional District and Session Judge-1, Rohtas at Sasaram in Sasaram (Model) P.S. Case No.724 of 2018 registered *inter alia* under Section 3(1)(r)



(s)(w) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 whereby an order of proclamation under Section 82 of the Code of Criminal Procedure has been issued against the appellants. They have also prayed for setting aside the order dated 26.10.2019 passed in the said case by which non-bailable warrant has been issued against them.

3. While arguing the case, numerous contentions have been advanced by the learned counsel for the appellants in order to suggest that the orders passed by the court below are patently bad and not sustainable in law.

4. *Per contra*, learned Special Public Prosecutor for the State has also made his submissions in support of the orders passed by the court below.

5. However, ultimately, learned counsel for the appellants contended that the appellants are law abiding citizens and, if protected, they would surrender before the court below on 30th June, 2020 and pray for bail.

6. Learned Special Public Prosecutor for the State does not object to this prayer of the appellants.

7. Hence, without going into the nitty-gritty of the arguments advanced before the Court, with consent of the



parties, this application is disposed of with a direction that operation of orders dated 26.10.2019 and 14.01.2020 passed by the learned Additional District and Session Judge-1, Rohtas at Sasaram in Sasaram (Model) P.S. Case No.724 of 2018 shall remain stayed till 30th June, 2020.

8. In case, the appellants fail to surrender before the court on 30th June, 2020, as undertaken by them, the impugned orders dated 26.10.2019 and 14.01.2020 passed by the learned Additional District and Session Judge-1, Rohtas at Sasaram in Sasaram (Model) P.S. Case No.724 of 2018 shall come into effect with full force and, in that event, the court below shall take all coercive steps in order to compel the appearance of the appellants before it.

9. It is needless to say that in case, the appellants surrender and pray for bail, the court below shall be at liberty to dispose of the application on merits considering the submissions advanced on behalf of the parties.

(Ashwani Kumar Singh, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2020
Transmission Date	23.06.2020

