

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4475 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- EKMA District- Saran

CHANDAN MAHTO Son of Uttam Mahto Resident of Village - Narhani,
P.S.- Ekma, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anant Kumar Bhaskar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 03.09.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Saran at Chapra, in connection with Sessions Trial No.101 of 2019, arising out of Ekma Police Station Case No.328 of 2018 registered under Sections 341/323/324/307/302/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant and co-accused Om Prakash Mahto gave indiscriminate blow with their



respective dagger at Birendra Sah as a result whereof Birendra Sah died subsequently.

Learned counsel for the appellant submits that the doctor has found two injuries on the person of the deceased which creates doubt that the informant had seen the actual occurrence. The appellant has got no criminal antecedent. He is in custody since 03.01.2019. Investigation of the case is already complete. Further submission is that charges have already been framed during trial.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.



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

(Birendra Kumar, J)

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