

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5110 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- BARHARIA District- Siwan

1. SHAMBHU MAHTO @ SHAMBHU PRASAD, Son of Late Gauri Mahto
2. Anita Devi, Wife of Shambhu Mahto
3. Shakuntala Devi, Wife of Prabhu Mahto
4. Chanda Devi, Wife of Late Gauri Mahto, All are Resident of Village - Surahia, P.S.- Barharia, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 No one appears on behalf of the appellants.

Heard learned Special Public Prosecutor for the State.

Case diary is available.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.09.2019 in A.B.P. No. 1892 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 268 of 2019 registered under Sections 341, 323, 427, 384, 386, 504 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act. occurrence



The occurrence of abuse and assault was committed after the dispute arose at the time of measurement of the land. The allegation reveals that the occurrence took place for land dispute and not for the reason that complainant was member of the scheduled caste.

Hence, let the appellants most of them are females, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

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

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The appellants shall not leave the country without



permission of the learned trial court.

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

(Birendra Kumar, J)

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