

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1620 of 2021**

Arising Out of PS. Case No.-189 Year-2017 Thana- RAGHUNATHPUR District- Siwan

SHARMA MAHTO, S/O LATE RAMPRIT MAHTO, R/O VILLAGE -
GABHIRAR, P.S. - RAGHUNATHPUR, DISTRICT - SIWAN.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udit Narayan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 27-10-2021

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 24.07.2018 in Special Case No. 65 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Raghunathpur P.S. Case No. 189 of 2017 registered under Sections 302/34 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

The appellant, allegedly, assaulted with a *farsa* causing injury at the head of the deceased. Appellant is in custody since 19.05.2018.

In the past, prayer for bail was refused on 20.12.2018 vide order at Annexure-1 with direction to the learned Trial Judge to expedite the trial.

The report of the learned Trial Judge dated 14.09.2021



would reveal that the case was at the stage of final argument. However, on the prayer of prosecution under Section 311 Cr.P.C. summon has been issued to witness Durga Kishku. Appellant is ready to cooperate with the trial.

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

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

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

(c) The appellant 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	28.10.2021
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