

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1696 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- EKMA District- Saran

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Hawaladar Mahto @ Havaladar Mahto, Son of Late Kishun Mahto @ Kishu Mahto, Resident of Village- Bhundhri, Post Office- Chhitrawalia, Police Station- Ekma, District- Chapra (Saran)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arun Kumar Rai, Advocate

For the Respondent/s : Ms.Usha Kumari-1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-04-2021 Heard learned counsel for the appellant as well as the learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of his prayer for regular bail, vide order dated 02.02.2021, passed by the learned court of 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Ekma P.S. Case No.124 of 2020 instituted for the offence under Sections 341, 323, 324, 307, 504, 506, 379/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act and also for setting aside the aforesaid order dated 02.02.2021.



The case of the prosecution is that 12 members of the appellant's family have committed the offence while the informant was returning from his field. They have taken away the informant to a field and abused him by caste name and assaulted him. Wife of the appellant has handed over a *Bhujali* to the appellant's son Bikesh Mahto who has allegedly inflicted *Bhujali* blow on the informant. There is also allegation of assault on the informant by all the accused persons and co-accused Bhagwan Mahto has taken out cash from his pocket and co-accused Jay Prakash has taken away his golden ring.

Learned Special P.P. has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Ekma P.S. Case No.124 of 2020.

In the result, the appeal is allowed and the impugned order dated 02.02.2021 is set aside.

This Court would expect that the appellant's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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