

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2811 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- MORO District- Darbhanga

1. MANGAL MAHTO Son of Yogendra Mahto Resident of Village- Khaparpura, Police Station- Moro, District- Darbhanga.
2. Nand Kishore Mahto Son of Yogendra Mahto Resident of Village- Khaparpura, Police Station- Moro, District- Darbhanga.
3. Butan Mahto Son of Khublal Mahto Resident of Village- Khaparpura, Police Station- Moro, District- Darbhanga.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate

For the State : Mr. Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-08-2021 Let the defects be removed within four weeks of the start of the physical Court.

Heard the parties in virtual Court proceeding.

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 by order dated 26.03.2021 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA Act),



Darbhanga in connection with SC/ST G.R. No. 81 of 2020 arising out of Moro P.S. Case No. 11 of 2020 registered under Sections 147, 148, 149, 341, 323, 379, 307, 504, 506 of the I.P.C., and Section 3(i)(r)/3(i)(s) of the SC/ST Act.

Submission is that the FIR of the assault was lodged after two months of the occurrence by the wife of one of the injured, hence, chances of deliberation and concoction cannot be ruled out. Appellants have got no criminal antecedent. Investigation of the case is already complete.

Considering the facts aforesaid, let the appellants, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (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, with following conditions:

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

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

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



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

(Birendra Kumar, J)

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