

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2189 of 2020

Arising Out of PS. Case No.-45 Year-2018 Thana- KALYANPUR District- East Champaran

1. Ram Ekbal Mahto S/o Late Sathu Mahto
 2. Kishore Mahto Son of Jagarnath Mahto
 3. Ranjeet Mahto S/o Ram Ekbal Mahto
 4. Jagarnath Mahto S/o Late Sathu Mahto
 5. Ram Nath Mahto Son of Late Sathu Mahto
- All are resident of village - Pakri Dixit Tola- Bathna, P.S.- Kalyanpur, Distt- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhurendra Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-03-2021 Heard learned counsel for the appellants and learned
counsel for the State.

The appeal is admitted.

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 06.03.2020 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 45 of 2018 registered for offence punishable under sections 147, 149, 341, 323, 315, 504 of the Indian Penal Code and sections 3 (i) (r) (s) of the



SC/ST Act, whereby and whereunder the prayer for anticipatory bail made on behalf of the appellants has been rejected.

Allegation has been made that the accused persons started digging in front of the house of the informant and when the informant and his family members objected, they started hurling abuses and assaulted.

Learned counsel for the appellants submits that there is no specific allegation of abusing and assaulting against these appellants.

Looking to the facts and circumstances of the case, the impugned order dated 06.03.2020 is set aside and the appellants above named, in the event of arrest or surrender before the court below within six weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 45 of 2018, subject to the condition that one of the bailors of the appellants shall be their close relative. The appellants will not induce any witness or tamper with the evidence. The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court. In case



of failure on two consecutive dates without any valid reason, the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, this appeal is allowed.

(Shivaji Pandey, J)

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