

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2172 of 2020

Arising Out of PS. Case No.-304 Year-2020 Thana- BAKHARI District- Begusarai

Tuntun Mahta Son of Rambilash Mahto, Resident of Village - Darha Than
Singh, P.S.- Bakhari, District – Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Braj Bhushan Poddar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-01-2021 Heard learned counsel for the appellant and learned
counsel for the State.

This appeal has been preferred under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the order dated 02.09.2020 passed by learned Special Judge SC/ST (POA) Act, Begusarai, whereby and whereunder the prayer of the appellant to grant him regular bail in connection with Bakhari P.S. Case No. 304 of 2020 registered for offence punishable under sections 341, 323, 307, 302, 504, 506 of the Indian Penal Code and 3 (i) (r) (s), 3(2), (v) SC/ST Act and 27 Arms Act, has been rejected.

Allegation has been made that on 18.07.2020 at about 8:00 A.M., accused persons came, started hurling abuses and they also started assaulting the victim.

Against the appellant, it has been alleged that he has



assaulted to Indal Sada and another accused person namely Harinarayan Mahto has fired from pistol upon Yogendra Sada, who died.

Learned counsel for the appellant submits that against the appellant, there is no allegation of any assault to Yogendra Sada but rather to Indal Sada. The appellant is in jail since 21.07.2020.

Looking to the entirety of the matter, the impugned order dated 02.09.2020 is set aside and the appellant is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Special Judge SC/ST (POA) Act, Begusarai in connection with Bakhari P.S. Case No. 304 of 2020, subject to the condition that one of the bailors of the appellant shall be a close relative. The appellant will not induce any witness or tamper with the evidence. The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court.

This order has been passed in presence of Mr. Binay Krishna, counsel for the State.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--

