

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3582 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- DAUDNAGAR District- Aurangabad

1. BIMAL MAHTO, S/o MOHAN MAHTO @ MOHAN SINGH R/o VILLAGE-SINDUAR, P.S-DAUDNAGAR, DISTRICT-AURANGABAD.
2. MOHAN MAHTO @ MOHAN SINGH, S/o LATE MUNA SINGH (FIR WRONGLY GIVEN AS 45 YEARS), R/o VILLAGE-SINDUAR, P.S-DAUDNAGAR, DISTRICT-AURANGABAD.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rupa Kumari
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-09-2021 Heard Ms. Rupa Kumari, learned Advocate for the appellants and Ms. Usha Kumari-I, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 15.12.2020, passed by the learned 1st Additional District and Sessions Judge cum Special Judge (SC-ST), Aurangabad, in A.B.P. No. 1111 of 2020, arising out of Daudnagar P. S. Case No. 126 of 2020, dated 07.05.2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences



punishable under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

According to the F.I.R. an assault took place because of the cow of one of the parties straying in the filed of another.

The learned counsel for the appellants has submitted that the accusation in the F.I.R. does not bring home the mischief of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For the afore-stated reasons, the order dated 15.12.2020, passed by the learned 1st Additional District and Sessions Judge cum Special Judge (SC-ST), Aurangabad, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight



weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge cum Special Judge (SC-ST), Aurangabad, in connection with Daudnagar P. S. Case No. 126 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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