

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4070 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- UCHKAGAON District- Gopalganj

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Raman Mahto, aged about 77 years, Male, Son of Late Shiv Mahto R/o
Village- Nawada Parsauni Mathia Tola, P.S.- Uchakagaon, District-
Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey, Adv.

For the Respondent/s : Mr. Usha Kumari 1, Spl PP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-10-2021 The matter has been listed today for consideration
through Video Conferencing.

Heard learned counsel for the appellant and learned Spl
PP for the State.

Learned counsel for the appellant is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The appellant has preferred the present appeal under
Section 14A(2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for brevity, *SC/ ST Act*)



against the refusal of his prayer for regular bail vide order dated 07.08.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST Act, Gopalganj, in a case registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)/ 3(ii)(va) of the SC/ST Act in connection with Uchakagaon P.S. Case No. 137 of 2020.

The informant's father has been assaulted by 9 or 10 persons who have come variously armed. The appellant is stated to be one of the persons.

The counsel for the appellant submits that due to some grudge 9-10 persons including the appellant have been made accused persons based on general and omnibus allegation. The appellant is aged about 77 years and has only been implicated in this case because he is a member of the family. The submission is that other co-accused similarly situated, namely Raju Mahto and Hira Mahto have been granted bail in Cr. Appeal (SJ) Nos. 985 of 2021 and 2092 of 2020. The appellant is stated to be in custody since 02.08.2021 though he has no criminal antecedents.

The learned Spl. PP for the State has opposed the prayer for bail.



In my opinion, a case for grant of regular bail is made out. The impugned order dated 07.08.2021, passed in connection with Uchakagaon P.S. Case No. 137 of 2020, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 07.08.2021, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge SC/ST Act, Gopalganj, in connection with Uchakagaon P.S. Case No. 137 of 2020, is set aside.

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 1st Additional District and Sessions Judge-cum-Special Judge SC/ST Act, Gopalganj, in connection with Uchakagaon P. S. Case No. 137 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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