

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.660 of 2021**

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

1. Bijay Mahto @ Vijay Mahto, Son of Ram Bilash Mahto.
2. Raju Mahto, S/o Rambilash Mahto, Both Resident of Village- Darha, Hari Singh, Ward No.- 2, P.S- Bakhri, District- Begusarai.
3. Raj Kumar Mahto, S/o Lakhan Mahto, Resident of Village- Khair Darha, Hari Singh, P.S.- Bakhri, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-03-2021 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Amendment Act, 2015 against the refusal of prayer for bail by order dated 02.11.2020 passed by learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities Act) Begusarai in connection with Bakhri P.S. Case No. 304 of 2020, registered under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and also under Sections 3(i)(r)(s), 3(2)(v) of the Schedule Caste and Schedule (Tribe Prevention of Atrocities) Act, and also under section 27 of the Arms Act was rejected.

Informant has alleged that on 18.07.2020 accused



persons variously armed came to her house and started abusing and assaulting her and her family members by lathi and danda. One of the accused Hari Narinarayan Mahto fired on her husband and later on he succumbed to firearm injury.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case due to previous dispute. There is general and omnibus allegation against the appellants and there is specific allegation of overt act against co-accused Harinarayan Mahto who fired by his pistol upon Yogendra Sada. The appellants are in custody since 09.10.2020 having no criminal antecedent. Similarly placed co-accused have been granted bail by co-ordinate bench of this court vide order dated 06.01.2021 passed in Cr. Appeal (SJ) No. 2172 of 2020 and order dated 24.02.2021 passed in Cr. Appeal (SJ) No. 623 of 2021.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the



court concerned.

(2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.

(3) If the appellants tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

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

(S. Kumar, J)

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