

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2801 of 2017**

Arising Out of PS.Case No. -541 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Dhiraj Mahto @ Dhiru, S/o Late Umesh Mahto, R/o Vill.- Telia Pokhar,  
P.S.- Begusarai Town (Ratanpur O.P.), District- Begusarai.

.... .... Appellant

Versus

The State of Bihar

.... .... Respondent

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**Appearance :**

For the Appellant/s : Mr. Shubhesh Pandey

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      12-10-2017                      Heard learned counsel for the appellant.

This appeal has been filed for grant of bail in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 541 of 2015 registered for the offences punishable under Sections 341, 323, 406/34 of the Indian Penal Code and Section 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 30.8.2017 passed by Special Judge, SC/ST Act, Begusarai.

Allegation as per FIR is that an agreement was reached between the parties for sell of land and informant has given Rs.5,53,000/- for purchase of land to co-accused but agreement has not been executed in favour of informant.

Submission of learned counsel for the appellant is that



police after investigation has submitted final form not finding case true but learned Special Judge differing with the opinion of I.O. has taken cognizance of the offence against the appellant and he is in custody for two months. Further submission is that at best allegation is that he was mediator and not vendor or vendee.

Heard learned Special P.P., who could not controvert the above submission.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is allowed and the impugned order is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Begusarai, in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 541 of 2015, G.R.No. 695 of 2017, subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties in the jurisdiction of court concerned,
- (2) Appellant shall co-operate in trial and appear on each and every date in court and on failure to appear on two consecutive



dates without any genuine ground or  
without permission of court, his bail bond  
shall be liable to be cancelled.

**(Vinod Kumar Sinha, J)**

spal/-

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