

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2604 of 2018

Arising Out of PS.Case No. -149 Year- 2017 Thana -RAJPUR District- EASTCHAMPARAN
(MOTIHARI)

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1. Harilal Mahto, Son of Late Kishuni Mahato,
2. Rambilash Mahto, Son of Late Bhajan Mahato,
3. Nagendra Mahto, Son of Bindeshwar Mahato,
4. Amarjit Mahto, Son of Harilal Mahato,
5. Shankar Mahto, Son of Bindeshwar Mahato,
6. Indal Mahto, Son of Harilal Mahato,
7. Sushila Devi @ Shoshila Devi, Wife of Bindeshwar Mahato,
8. Veena Devi, Wife of Amarjit Mahato,
9. Chanda Devi, Son of Nagendra Mahato, All resident of Village- Madhuahan
Mal, P.S.- Rajepur, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 26.06.2018 in A.B.P. No.1474 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, East Champaran at Motihari in connection with Rajepur P.S.Case No. 149 of 2017 registered under Sections 147,148,149,341,323,324,325,379,354(B),504 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and



Scheduled Tribes Act.

Submission is that there is bonafide land dispute between the parties for the reason that Bindeshwari Mahto, the father of appellant No.3-Nagendra Mahto and others had purchased a land from Nanad of the informant of this case through registered sale deed dated 18.08.2017. The same caused annoyance to the complainant to lodge this false case with general and omnibus allegation of commission of abuse and assault by taking caste name. The allegation of commission of theft is ornamental one.

Considering the background and nature of allegation as well as statement of the appellants that they have got no criminal antecedent, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below



shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2018
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