

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2748 of 2018

Arising Out of PS.Case No. -122 Year- 2016 Thana -BASOPATTI District- MADHUBANI

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1. Arun Kumar Ram Son of Rajendra Prasad Ram, resident of Village- Murlikha,
P.S.- Rajnagar, District- Madhubani. Appellant/s

Versus

1. The State of Bihar.
2. Manoj Kumar Mahto, Son of Niranjana Mahto,
3. Binod Kumar Mahto Son of Niranjana Mahto,
4. Amarjit Kumar Son of Niranjana Mahto, All resident of Village- Malmal Uttritola
Balua, Police Station- Kaluahi, District- Madhubani. ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-08-2018

Heard learned counsel for the parties.

This appeal is for cancellation of bail granted to the respondent Nos.2 to 4 by the impugned order dated 13.04.2018 passed in G.R.No.1617 of 2017, T.R.No.720 of 2018 (arising out of Basopatti P.S.Case No.122 of 2018) by the learned 1st Addl. Sessions Judge, Madhubani.

Respondent Nos. 2,3 and 4 had moved this Court for anticipatory bail in Cr.Appeal (SJ) No.1966 of 2017 vide Annexure-2. This Court disposed of the aforesaid appeal with following observation:

“ Let appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submission of learned counsel for the appellants and also that



appellant No.4 is an old person, shall pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court”.

Thereafter, by the impugned order dated 13.04.2018, the learned Special Judge has granted bail on surrender of the aforesaid respondents.

Learned Special Judge has considered that there is land dispute, no case is made out under Section 354 of the Indian Penal Code and submission of the accused that false and concocted allegation is there.

Learned counsel for the appellant submits that there is no land dispute between the informant-appellant and the aforesaid respondents. Hence, the impugned order suffers from the error of the record.

Heard the parties and considered the nature of allegation in the complaint based FIR. I do not find that any ground for cancellation of bail is made out.

Hence, this appeal is dismissed as devoid of any merit.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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