

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.393 of 2019

Arising Out of PS. Case No.-60 Year-2018 Thana- NTPC District- Bhagalpur

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AJAY KUSHWAHA, son of Late Arjun Mandal, Resident of village-
Alampur, P.S.- N.T.P.C., District - Bhagalpur

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha, Advocate
For the Respondent/s : Mrs.Usha Kumari, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 04-02-2019

This appeal is for grant of pre-arrest bail to the appellant against the order dated 26.11.2018 passed by Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in A.B.P. No.2463 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellant, who has been made accused in N.T.P.C. P.S. Case No. 60 of 2018, corresponding to G.R.No. 4724 of 2018, registered under Sections 341, 342, 323, 307, 379, 354B of the Indian Penal Code and Sections 3(r) & 3(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he has abused the informant by taking caste name and also assaulted him by spade, causing injury to him.

Submission of learned counsel for the appellant is that the present case is counter blast of earlier case filed by the appellant, which is Annexure-2 and as a matter of fact the dispute arose with respect to throwing of garbage on the land of the appellant and for that an application has been filed for measurement of land and Amin has found the land belongs to the appellant



and also appellant has filed an application before Public Grievance Cell, which facts will appear from Annexures 3 to 6 and due to that the present false and concocted case has been filed.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellant, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with N.T.P.C. P.S.Case No. 60 of 2018, corresponding to G.R.No. 4724 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellant shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 26.11.2018 is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

