

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.404 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. JAY PRAKASH SAH, son of Vishwanath Sah (Male, aged about 34 years)
 2. Vishwanath Sah, son of Ramaotar Sah, (Male, aged about 56 years)
- Both resident of Village, Post and P.S.- Mohiuddin Nagar, District, Samstipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Moleshwar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-02-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 19.11.2018 passed by the learned Special Judge, S.C./S.T. Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No.116/2018 / Trial No.946/2018 registered under Sections 406, 420, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that on 08.04.2018, the petitioners called him for specific performance of contract for sale of land and residential house situated in khata No.1041,



Khesra no.3125 for which they demanded rupees twenty five lakh as consideration amount and, thereafter, he paid Rs.8,33,000/-. Thereafter, petitioner no.1 again received rupees one lakh but they are not ready to register the above mentioned land in his favour. It has further been alleged that on 25.07.2018 when informant reached their house, all the accused persons jointly and badly abused and also threatened him.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It has further been submitted that petitioner no.2 has filed eviction suit no.03 of 2015/12/2016 on 16.12.2015 against the informant and one Sobha Devi alleging therein that they were forcibly trying to register the land in question in his favour under conspiracy and due to that the present criminal case has been filed against the petitioners. Petitioners have no criminal antecedent and they are in custody since 19.09.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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 the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the appellants tamper 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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