

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.582 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- SC/ST District- Munger

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1. MILAN KUMAR, Son of Late Putul Saw, Resident of Village- Janta More, Khalashi Toal, P.S.- Jamalpur, Dist. Munger
 2. Jitu Sah, Son of Late Putul Saw, Resident of Village- Janta More, Khalashi Toal, P.S.- Jamalpur, Dist. Munger
 3. Nitesh Kumar @ Bholu Sah, S/o Milan Kumar, Resident of Village- Janta More, Khalashi Toal, P.S.- Jamalpur, Dist. Munger
 4. Annpurna Devi, W/o Late Rajaram Sah, Resident of Mohalla- Bari Bazar, in front of Arya Samaj, P.S.- Kotwali, Dist. Munger

... .. Appellants

Versus

1. THE STATE OF BIHAR
2. Neetu Devi, W/o Shankar Paswan, R/o Maheshi, P.S.- Sultanganj, District- Bhagalpur, Presently residing at BMP- (9), Jamalpur P.S.- Jamalpur, District- Munger.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Anurag Saurav
For the Respondent/s	:	Mr.Sadanand Paswan
For O.P. No.2	:	Mr. Tarkeshwar Pd. Verma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 04-04-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 9.1.2019 passed by Additional Sessions Judge-I, Munger, in A.B.P. No. 1704 of 2018 filed by the appellants, by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Munger Sadar (SC/ST) P.S.Case No. 46 of 2018, registered under Sections 341, 323, 504, 506, 379, 354, 406, 420, 120B of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per FIR is that appellant No.1 has taken Rs.6 lacs from the informant on the assurance that if he will not return the money he



will execute a sale deed with respect to a land of such value. Further allegation is that neither he has returned the money nor executed sale deed and there is also allegation that they have assaulted the informant, abused her by caste name and snatched money from her.

Submission of learned counsel for the appellants is that so far second part of allegation of abusing by caste name and snatching of money is ornamental in nature and it is the appellant No.1 who has taken Rs.6 lacs and he is ready to execute a sale deed with respect to a land of such value if she is allowed some time to him.

Heard learned Special P.P. and learned counsel for the informant, who has no objection if the sale deed is executed with respect to a land of such value.

Having heard both sides and in the facts and circumstances, let the appellant Nos. 2 to 4, named above, surrender and on surrender they will be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Munger, in connection with Munger Sadar (SC/ST) P.S. case No. 46 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

So far appellant No.1 is concerned, he is directed to surrender on 5.6.2019 and on that day opposite party No.2 shall also remain present in court and it is expected that on that day he will executed a sale deed with respect to a land and hand over the same to opposite party No.2 and the court



below will verify the same and once the court is satisfied, the court below will release him on bail to its own satisfaction.

Till 5.6.2019 no coercive action shall be taken against appellant No.1.

Accordingly, the appeal is disposed of.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

