

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1138 of 2019**

Arising Out of PS. Case No.-18 Year-2018 Thana- NADI NAINAHA District- West  
Champaran

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1. MOHAN BIN Son of Late Mukhdeo Bin, Resident of Village-Rewahiya, Binwaliya, P.S.-Nadi, District-West Champaran.
  2. Sharwan Chaudhary @ Shrawan Chaudhary Son of Late Rajju Chaudhary Resident of Village-Rewahiya, Binwaliya, P.S.-Nadi, District-West Champaran.
  3. Pataru Mallah Son of Babulal Mallah Resident of Village-Rewahiya, Binwaliya, P.S.-Nadi, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------|
| For the Appellant/s  | : | Mr.Vijay Kr Singh No. 1 |
| For the Respondent/s | : | Mr.Sadanand Paswan      |

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
ORAL ORDER

2      01-04-2019

Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 19.02.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah, in B.P. No. 460 of 2018, arising out of Nadi P.S. Case No. 18 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 436, 504 and 506 of the Indian Penal Code and Section 3(i)(w)SC/ST Act.

The informant claims to be Purcha holder on the land which accused persons claims to be their property. Allegation



against petitioners and others is that they variously committed assault and theft and also set fire house of informant. Further allegation is that they also committed obstruction in discharge of official duty.

It has been submitted on behalf of the appellants that appellants are not named in the FIR. They have been falsely implicated in this case due to land dispute. There is general and omnibus allegation against appellants. Similarly placed FIR named co-accused have been granted bail by a co-ordinate Bench of this Court as contained in Annexure-2 and 3. Appellants are in custody since 29.01.2019.

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/-(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, 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 their absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel their bail bonds.

(3) If the appellants tampers 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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