

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1169 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- KURSAKANTA District- Araria

1. MD.CHHEDI @ FUL MOHAMMAD, Son of Late Sahir Uddin, Resident of Village - Sundari, P.S.- Kursakanta (Kuwari), District - Araria.
2. Samiruddin, Son of Late Wali Mohammad Resident of Village - Sundari, P.S.- Kursakanta (Kuwari), District - Araria.
3. Md. Usman @ Usman, Son of Late Md. Muslim Resident of Village - Sundari, P.S.- Kursakanta (Kuwari), District - Araria.
4. Samina Khatoon, Wife of Late Rahman Resident of Village - Sundari, P.S.- Kursakanta (Kuwari), District - Araria.
5. Md. Salamat @ Md. Slammat, Son of Late Md. Muslim Resident of Village - Sundari, P.S.- Kursakanta (Kuwari), District - Araria.
6. Bibi Naserun, Wife of Md. Kadir Resident of Village - Sundari, P.S.- Kursakanta (Kuwari), District - Araria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Mrigendra Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-04-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 20.2.2019 passed by Additional Sessions Judge-I-cum-Special Judge, Araria, in A.B.P. No. 216 of 2019 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 Kursakanta (Kuwari) SC/ST P.S.Case No. 238 of 2018, registered under Sections 147, 149, 379, 427, 504, 506 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of forcible harvesting paddy crops from the field of the informant.



Submission of learned counsel for the appellants is that the land belongs to the ancestors of the appellants and in C.S. Khatian also the name of their ancestors was recorded and rent receipts are being issued in their favour.

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 bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, Araria, in connection with Kursakanta (Kuwari) SC/ST P.S. case No. 238 of 2018, corresponding to Special Case No. 246 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.

Accordingly, the appeal is allowed and the impugned order dated 20.2.2019 is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

