

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1227 of 2019**

Arising Out of PS. Case No.-1590 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. SHAYAM LAL MANDAL @ SHYAMAL MANDAL, Son of Late Kadam Lal Mandal, Resident of Village - Bhawanipur Kalsar, P.S.- Hasangaj, District- Katihar
 2. Pawan Mandal @ Pawan Kumar Mandal, Son of Late Ramdeo Mandal Resident of Village - Bhawanipur Kalsar, P.S.- Hasangaj, District- Katihar
 3. Awdhesh Mandal @ Awdhesh Kumar Mandal, Son of Late Ramdeo Mandal Resident of Village - Bhawanipur Kalsar, P.S.- Hasangaj, District- Katihar

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 17-04-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 25.2.2019 passed by Additional District Judge-I-cum-Special Judge, Katihar, in A.B.P. No. 26 of 2019 filed by the appellants, by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Complaint Case No. 1590 of 2018, lodged under Sections 323, 354, 379 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of demanding extortion of Rs.10,000/- from the complainant.

Submission of learned counsel for the appellants is that no cognizance has been taken for the offence under Section 384 IPC, rather cognizance has been under other Sections and earlier to that a case has been



filed by appellant No.2 against the complainant and due to that the present case has been filed and falsity of the case will appear from the fact that paragraph-5 of the complaint petition disclosed that because of the fact that she goat of the complainant were grazing the field of the appellants the complaint case has been filed.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, 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 the Additional District Judge-I-cum-Special Judge, Katihar, in connection with Complaint case No. 1590 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 25.2.2019 is set aside.

(Vinod Kumar Sinha, J)

spal/-

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CAV DATE	
Uploading Date	
Transmission Date	

