

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1571 of 2019**

Arising Out of PS. Case No.-528 Year-2018 Thana- CHANPATIA District- West
Champaran

- =====
1. JAGDISH MAHTO Son of Late Aasani Mahto Resident of Village - Goeta Tola, Semarbari Birati Tola, P.S.- Chanpatia (Sirisia O.P), Distt.- West Champaran.
 2. Yogendra Sah son of Late Kailash Sah Resident of Village - Goeta Tola, Semarbari Birati Tola, P.S.- Chanpatia (Sirisia O.P), Distt.- West Champaran.
 3. Awadh Sah @ Awadh Kishore Sah Son of late Phulena Sah Resident of Village - Goeta Tola, Semarbari Birati Tola, P.S.- Chanpatia (Sirisia O.P), Distt.- West Champaran.
 4. Ashok Sah Son of Awadh Sah @ Awadh Kishore Sah Resident of Village - Goeta Tola, Semarbari Birati Tola, P.S.- Chanpatia (Sirisia O.P), Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 24-04-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 29.03.2019 passed by the 1st Additional Sessions Judge, -cum- Special Judge, Bettiah, West Champaran in connection with Chanpatia (Sirisia O.P.) P.S. Case No. 528 of



2018 registered under Sections 341, 342, 323, 147, 148, 149, 447, 354A, 354B and 506 of the Indian Penal Code and Section 3(i)(r)(g)(w) and 2(v-a) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. In fact, the F.I.R. has been lodged after two months from the date of occurrence, which creates doubt over the prosecution version. The parties are agnates and there is land dispute between them, which is evident from Annexure-2. Moreover, the parties have settled their dispute out of the court and they have filed a compromise petition, which is evident from Annexure-4. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge,



-cum- Special Judge, Bettiah, West Champaran in connection with Chanpatia (Sirisia O.P.) P.S. Case No. 528 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

