

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2454 of 2019

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Begusarai

RAJEEV MAHTON @ RAJEEV KUMAR Son of Late Rameshwar Mahto
Resident of Village - Karoar, P.S.- Cheriya Bariyarpur, Dist.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Kumar
For the Respondent/s	:	Mr. Usha Kumari 1
For the Informant	:	Mr. Sandip Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 06-08-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 14.05.2019 passed by learned Special Judge, SC/ST Act, Begusarai in SC/ST P.S. Case No. 27 of 2018 registered under Sections 341, 323, 504, 506, 385, 427 and 379/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Informant is said to have cultivated maize and paddy crops on the land of Tajwar Babu. Appellant along with three other accused persons armed with weapons arrived there and appellant Rajeev Mahto slated the informant in the name of his caste and demanded extortion money in lieu of harvesting



crops and on the order of the said appellant, Joginder Sah damaged his crops by means of tractor worth Rs. 25000/- and also assaulted him by means of leg and fist.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, appellant has purchased land from the niece of Tajwar Babu who was having greedy eye on the said land and being peeved with the aforesaid transaction, said Tajwar Babu got this false and frivolous case lodged against the appellant through the informant who happens to be his labourer. The occurrence is said to be of 07.10.2018 but the F.I.R. has been lodged after inordinate delay of 4 days without assigning any plausible explanation for the said delay. Informant has not sustained any injury in the occurrence. Appellant has no criminal antecedent and has been languishing in custody since 06.03.2019. Co-accused Yogendra Sah has been enlarged on bail by this court vide order dated 24.04.2019 passed in Cr. App (SJ) No. 1349 of 2019.

On the other hand, learned Spl. PP for the State and learned counsel for the informant opposing the bail petition submitted that the appellant is in habit of demanding extortion in lieu of allowing the person to cultivate their own land and



also assaulted and damaged the crops of the informant on not coughing up demand of the appellant. Moreover appellant has purchased land other than the disputed land. Hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Begusarai in connection with SC/ST P.S. Case No. 27 of 2018.

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

(Prakash Chandra Jaiswal, J)

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