

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3956 of 2018

Arising Out of PS. Case No.-851 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Kamta Kumar, Son of Ram Asish Mahto, Resident of Village-Paithan Toli, P.S. Sasaram T, Distt.-Rohtas
2. Sanjai Mahto @ Sanjay Mahto, Son of Ram Chandra Mahto, Resident of Mauna Bag Basti Mod, Sasaram, P.S. Sasaram T, Distt.-Rohtas
3. Ram Ashish Mahto, Son of Late Kanhaiya Mahto, Resident of Mohalla-Pathan Toli, P.S. Sasaram T, Distt.-Rohtas

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Kamla Kant Pandey
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 21-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 5.9.2018 passed by Additional Sessions Judge-I-Special Judge, SC/ST Act, Rohtas at Sasaram, in A.B.P. 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 Sasaram (Town) P.S. Case No. 851 of 2018, registered under Sections 341, 323, 379, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the accused persons, including the appellants is of abusing the informant by caste name and also assaulting him and of snatching of Rs.20,000/-.

Submission of learned counsel for the appellants is that prior to the present case appellant No.2 has filed a case with allegation that informant



has taken Rs.2 lakh from the appellant and he has not returned the same and due to that the present false and concocted 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Rohtas at Sasaram, in connection with Registered Case No. 159 of 2018, arising out of Sasaram(T) P.S. case No. 851of 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 5.9.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

