

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3088 of 2019

Arising Out of PS. Case No.-58 Year-2018 Thana- SC/ST District- Jamui

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1. SULTAN RAWAT Son of Late Khoso Rawat Resident of Village - Gadhtar, P.S.- Sono, Dist.- Jamui.
 2. Manu Mandal Son of Late Mitho Mandal @ Bithal Mandal Resident of Village - Gadhtar, P.S.- Sono, Dist.- Jamui.
 3. Binod Mandal Son of Baleshwar Mandal Resident of Village - Gadhtar, P.S.- Sono, Dist.- Jamui.
 4. Jatadhari Mandal @ Jitendra Mandal Son of Sitaram Mandal Resident of Village - Gadhtar, P.S.- Sono, Dist.- Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Sumiran Rai
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 16-11-2019 Heard both sides.

The appellants seek pre-arrest bail in Jamui SC/ST P.S. case No. 58/2018 registered under Section 147, 323, 148, 504/34 of the IPC and u/s 3(i)(r) of SC/ST Act.

The informant filed Complaint case No. 1083C/2015 on the basis of which the present FIR was registered on 22.07.2018. The informant alleged in his complaint petition that while her son was ploughing his land the appellants went there and assaulted him with fists and slaps and did not allow him to plough the land. The accused persons abused the informant and her son and also forced him to lick.

The learned counsel for the appellants submits that there is bonafide land dispute between two sides. The informant taking advantage of being SC lodged this case only to grab the



land of the appellants. The occurrence took place on 07.07.2015 but the complaint petition was filed on 09.07.2015.

On the face of allegation, it appears that there is land dispute between the parties and the occurrence took place in a field situated far from the local inhabitants and both sides claimed land to be their own

Considering the facts aforesaid and nature of allegation made against the appellants, the appellants, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, SC/ST Act, Jamui in connection with Jamui SC/ST P.S. case No. 58/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Prabhat Kumar Jha, J)

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