

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4136 of 2018**

Arising Out of PS. Case No.-95 Year-2018 Thana- BASANTPUR District- Siwan

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1. Imam Hassan @ Imam Hussain Son of Late Ali Hussain,
 2. Guddu Mian Son of Imam Hassan @ Imam Hussain, Both are of Resident of Village-Manjha, Sheikh Toli, Police Station-Manjhagarh, District-Gopalganj.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR and ANR
2. Rambha Devi Wife of Surendra Manjhi Resident of Village- Balahata, Police Station O.P. Lakari Naviganj, Basantpur, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lokesh Kumar Singh, Adv.
For the Respondent/s : Mr.Sri Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 01-05-2019

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 04.09.2018 passed by the 1st Additional Sessions Judge -cum- Special Judge, Siwan in connection with Basantpur P.S. Case No. 95 of 2018 registered under Sections 323, 324, 420, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) 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 has not committed any offence. In fact, the complaint case has been lodged after lapse of 3 months from the



date of occurrence without explaining the delay, which creates doubt over the prosecution version. The dispute between the parties relates to transaction of money against a piece of land. The appellants have falsely been implicated in this case. Hence, the appellant may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellant in the event of his 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, Siwan in connection with Basantpur P.S. Case No. 95 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/-

Uploading Date	
Transmission Date	

