

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4038 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Lalbabu Sah Son of Late Jodha Sah Resident of Village - Baswaria, P.S.- Muffasil, Distt - East Champaran, Motihari.
 2. Santosh Sah @ Santosh Kumar Sah Son of Lalbabu Sah Resident of Village - Baswaria, P.S.- Muffasil, Distt - East Champaran, Motihari.
 3. Ramayan Sah Son of Lalbabu Sah Resident of Village - Baswaria, P.S.- Muffasil, Distt - East Champaran, Motihari.
 4. Lavkush Sah @ Lavkush Kumar Son of Lalbabu Sah Resident of Village - Baswaria, P.S.- Muffasil, Distt - East Champaran, Motihari.
 5. Raja Sah @ Raja Kumar Son of Lalbabu Sah Resident of Village - Baswaria, P.S.- Muffasil, Distt - East Champaran, Motihari Appellants

Versus

The State of Bihar Respondent

Appearance :

For the Appellants	:	Mr.Sharda Nand Mishra, Advocate
For the Respondent	:	Mr.Sadanand Paswan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties and perused the case diary.

Appellants apprehend their arrest in a case registered for the offence under sections 341, 342, 323, 379, 504/34 of the Indian Penal Code read with section 3(i)(r)(s) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

It is submitted on behalf of the appellants that the appellants have falsely been implicated in this case as no such occurrence has taken place. Further, no case under the SC /ST Act is made out against the appellants. The allegation is general and omnibus against all the appellants and there is subsisting land dispute between the parties.

Learned counsel appearing for the State opposes the prayer for bail to the appellants.

Considering the facts and circumstances of the case



discussed above, let all the five appellants mentioned above surrender within a period of six weeks and on surrender they will be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1, cum Special Judge, (SC/ST Act), East Champaran at Motihari in Mufassil Motihari Police Station Case No. 14 of 2019, on the following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the Appellants temper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

The criminal appeal is allowed and the impugned order dated 17.7.2019, passed by the Additional Sessions Judge 1, cum Special Judge, (SC/ST Act), East Champaran at Motihari in Mufassil Motihari Police Station Case No. 14 of 2019, is set aside.

(Prabhat Kumar Singh, J)

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