

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4431 of 2019

Arising Out of PS. Case No.-300 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Dalchand Chaudhary Son of Sri Ramashankar Mallah, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).
2. Shyamrathi Chaudhary Son of Late Lalmuni Chaudhary, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).
3. Anil Chaudhary Son of Sri Mohan Chaudhary, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).
4. Ram Niwash Mallah @ Niwash Mallah Son of Late Sahatu Mallah, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).
5. Sri Niwash Mallah Son of Late Sahatu Mallah, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).
6. Ranjeet Chaudhary Son of Sri Dalchand Chaudhary, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).
7. Hiralal Son of Late Sahatu Mallah, Resident of Village - Diyan, P.S.- Mohaniya, Distt.- Kaimur (Bhabhua).

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr.Yogendra Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-11-2019 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 29.07.2019 passed in A.B.P. No. 715 of 2019 arising out of Mohania P.S. Case No. 300 of 2019 registered under Sections 341, 504, 506, 323, 325 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail



of the appellant has been rejected by the learned Additional Sessions Judge 1st-cum-Special Judge, Kaimur at Bhabhua.

Learned counsel for the appellants submits that the prosecution parties are aggressor of the alleged occurrence in question because they were making pressure for giving up raiyati land for passage to the informant. Learned counsel further submits that both the parties are litigating over a piece of land, there is a case and counter case giving two different stories of the alleged occurrence and there is no allegation of causing assault against these appellants as also that they have no criminal antecedents.

Learned Spl.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, where both the parties are litigating over a piece of land, there is a case and counter case giving two different stories of the alleged occurrence and there is no allegation of causing assault against these appellants as also that they have no criminal antecedents, the impugned order dated 29.07.2019 passed in A.B.P. No. 715 of 2019 by learned Additional Sessions Judge 1st-cum-Special Judge, Kaimur at Bhabhua so far as it relates to the appellants is hereby set aside, in the event of their arrest or



surrender within a period of four weeks from today, let the appellants above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, Kaimur at Bhabhua in connection with Mohaniya P.S. Case No. 300 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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