

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.66 of 2019

Arising Out of PS. Case No.-141 Year-2017 Thana- KATORIYA District- Banka

1. Chhote Lal Mandal son fo Teko Mandal
2. Sumrit Mandal, son of Chhote Lal Mandal
3. Savitri Devi wife ofpankaj Mandal
All resident of vill. Karbamaran, at present Raja Sour (Ghormara) P.S.Katoria,
District Banka.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dronacharya
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

By way of this memo of appeal,preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seeks for setting aside the order dated 7.12.2018 passed in ABP No.1547 of 2028, Katoria P.S.Case no.141 of 2017 for the offences punishable under Section 3(v) of SC/ST (Prevention of Atrocities) Act by the learned Addl. Sessions Judge I, Banka, whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

Allegation as per FIR is that the informant Brahmadeo Mehtar has got a piece of land in 1950 from Jaminidar and since then they are in possession over them, bearring Khata



No.045, Khesra No.310 and area 3 bigha and 1 dhur and prying rent. It is also his case as there is dispute with the muslim community. Accused persons by threatening him has got 05 decimal of land executed in their favour. Further case is that Pappu Mehtar has sold that land, which the petitioners have wrongly taken. Further case is that accused Chotelal Mandal, Sumrit Mandal and Savitri Devi has forcibly constructed hut over the land and opened *Darwaza* as such they are forcibly trying to grab the land.

Submission of the learned counsel for the appellant is that the police after investigation has submitted final report not finding the case true but the cognizance has been taken.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge, Banka



in connection with Katoria P.S.Case No.141 of 2017, subject to
condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
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