

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1295 of 2020**

Arising Out of PS. Case No.-239 Year-2019 Thana- BAKHARI District- Begusarai

1. RAM BALAK MAHTON S/o Pongal Mahton R/o Village- Madhua, P.S. Bakhri, Distt- Begusarai.
2. Umesh Mahton S/o Pongal Mahton R/o Village- Madhua, P.S.- Bakhari, Distt- Begusarai.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr.Rajesh Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 01-06-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the parties.

The appellants have challenged impugned order
dated 25.9.2019, passed by the Court below in a case filed
for offence punishable under sections 379/34 and other allied
sections of the Indian Penal Code read with section 3 of the
SC/ST Act.

It is submitted by learned counsel for the
appellants that the appellants have falsely been implicated in



this case and in fact no such occurrence alleged in the FIR has taken place. There is land dispute between the parties. There is no injury to the informant's side. Appellants are having no criminal antecedent and are in custody since 25.9.2019.

Taking into consideration the facts and circumstances of the case, the impugned order dated 25.9.2019 is set aside and the appeal is allowed.

Let both the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST (POA) Act, Begusarai in Akhri Police Station Case No. 239 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 absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(Prabhat Kumar Singh, J)

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