

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4784 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- COMPLAINT CASE District- Sheohar

Shatrudhan Sah Son of Late Yogi Sah Resident of Village- Sheohar Ward
No.14, P.S.- Sheohar, District- Sheohar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamal Mehtar S/o Late Asharfi Mehtar R/village-Sheohar, Ward No.14, P.S.
and District-Sheohar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 30-09-2020 Re : I.A. no. 1 of 2019.

The instant petition has been filed praying for condoning the delay of about 22 days in filing of the instant criminal appeal.

Having gone through the averments made in the limitation petition, the grounds taken therein and having heard learned counsel for the parties, the Court is satisfied that the appellant has made out sufficient cause for condoning the delay in filing of the instant appeal. The delay is condoned and the Interlocutory application is allowed.

Heard learned counsel for the appellant and learned counsel for the State through video conferencing.



The instant appeal has been preferred against the order dated 26.6.2019 passed in ABP no. 192 of 2019 whereby the learned 1st Additional Sessions Judge-cum-Special Judge, Sheohar was pleased to reject the prayer for bail of the appellant in connection with Complaint Case no. 1 of 2017 lodged under sections 323, 147, 148, 149 and 504 of the Indian Penal Code and sections 3(ii), (iv), (v), (ix), (x), (xv) and sec 3(2)(vi)(vii) of the SC/ST (POA) Act.

As per allegation in the complaint, it is stated that without obtaining permission of the Collector, the accused persons got the land transferred in their favour from Khatiyani raiyat Laxman Mehtar and Bhulan Mehtar. It is stated that the complainant has constructed his house under the Indira Aawas Yojana and resides there. It is further stated that taking the administration in their collusion, a proceeding under section 144 Cr.P.C was started which concluded on 29.6.2017. Further on 29.8.2017 the accused persons variously armed came and abused the complainant and others in the name of their caste and also assaulted them.

It is submitted by learned counsel for the appellant that the allegations as levelled in the complaint are all false and concocted. From perusal of the complaint as also the statement



of the complainant on SA in course of enquiry it would transpire that there was a proceeding under section 144 Cr.P.C as also title suit between the parties with respect to the land in question. It is for this reason that the complaint with false allegation has been made after much delay of nearly 10 days without there being any reasonable explanation for the same. It is submitted that the appellant has no criminal antecedent and his case stands on a similar footing to that of co-accused Sunita Devi and three others who have been enlarged on bail vide order dated 15.10.2019 passed in Cr. Appeal (SJ) no. 3574 of 2019.

The prayer for bail in the appeal is opposed by learned Special PP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellants, pendency of the title suit as stated by the complainant in his SA and grant of bail to co-accused, the Court is inclined to allow the instant appeal. The order dated 26.6.2019 passed in ABP no. 192 of 2019 by the learned 1st Additional Sessions Judge-cum-Special Judge, Sheohar is set aside. The appeal is allowed.

The appellant is directed to surrender in the Court below within a period of eight weeks from today and in the event of



his arrest or surrender in connection with Complaint Case no. 1 of 2017 (Trial no. 113/2019), he will be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Sheohar.

Prakash/-

(Partha Sarthy, J)

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