

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1080 of 2021

Arising Out of PS. Case No.-269 Year-2020 Thana- DALSINGHSARAI District- Samastipur

1. Natho Mahto @ Nathuni Mahto Son of Baleshwar Mahto Resident of Village - Malpur Purwari Patti, Ward No.06, P.S.- Dalsingsarai, Dist.- Samastipur.
2. Chandan Kumar @ Chandan Kumar Mahto Son of Natho Mahto @ Nathauni Mahto Resident of Village - Malpur Purwari Patti, Ward No.06, P.S.- Dalsingsarai, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jitendra Nr. Sinha Mrs.Renu Bala Sinha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 01-03-2021 Heard learned counsel for the parties.

The present appeal has been filed against order dated 14.12.2020 passed by learned Special Judge, SC/ST Act, Samastipur in Dalsingsarai P.S. Case No. 269 of 2020 registered for the offence punishable under Sections 341, 342, 323, 307, 379/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act, whereby the prayer for bail of appellants was rejected.

As per the prosecution case, son of the informant was in love affairs with daughter of appellant no. 1 and due to that on 13.09.2020 at about 11:30 PM, all the accused persons called



the son of the informant and assaulted him brutally, as a result of which, he sustained multiple injuries.

It is submitted on behalf of appellants that appellants have been falsely implicated in this case. In fact, the son of informant tried to outrage the modesty of daughter of appellant no. 1, but when she raised alarm, the family members of appellants assembled and some *Maarpit* took place. It is further submitted that out of three injuries on the person of informant's son, two have been found to be simple in nature and one has been found to be grievous in nature. The appellants are in custody since 15.09.2020, having no criminal antecedent.

Considering the nature of allegation, period of custody and clean antecedent of appellants, the impugned order dated 14.12.2020 passed by learned Special Judge, SC/ST Act, Samastipur in Dalsingsarai P.S. Case No. 269 of 2020 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, 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 learned Special Judge, SC/ST Act, Samastipur in connection with Dalsingsarai P.S. Case No. 269 of 2020, on following conditions:



“(1) Appellant shall cooperate 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 his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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