

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3461 of 2021**

Arising Out of PS. Case No.-203 Year-2021 Thana- BARAUNI District- Begusarai

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PRADEEP MAHTON, S/o- SITARAM MAHTON, R/o- Gachhi Mushari
Tola, Ward No.13, P.S.- Garhara O.P. (Barauni), Distt- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s	:	Mr.Amresh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Bipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-09-2021 Heard learned counsel for the appellant, learned counsel

for the informant and Mr. Sadanand Paswan, learned Special P.P.

for the State.

The appellant in the present case is seeking setting aside
of the order dated 09.07.2021 passed in G.R. No. 60 of 2021
arising out of Barauni P.S. Case No. 203 of 2021 registered for the
offence punishable under Sections 341, 323, 354, 379, 504, 506,
34 of the Indian Penal Code and Section 3(1)(r)(s) 3(ii)(va) of the
SC/ST Act by learned Special Judge, SC/ST (POA) Act, Begusarai
whereby and whereunder the prayer for regular bail of the
appellant has been rejected.

Learned counsel for the appellant submits that in the
First Informant Report the informant has alleged that all the named

accused persons were having bad eyes upon her daughters-in-law. It is alleged that the four named accused persons entered in the house of the informant, abused them and assaulted them. The accused persons including this appellant called her abusing in her caste name and co-accused Rambol Mahto caught hold of her whereas the appellant and co-accused Raju Mahto assaulted her on her legs by a bamboo clump. It is alleged that the appellant had torn the blouse of the informant.

Learned counsel for the appellant submits that both the parties are co-villagers and the F.I.R. has been lodged making false allegations because the parties have got land dispute. Though learned counsel for the appellant claims that there had been a compromise between the parties and a certified copy of the compromise petition filed in the learned Special Court, S.C./ST, Begusarai has been placed on the record, at this stage learned counsel for the informant denies to have entered into any compromise, however, there is no statement that the document enclosed with the petition is a forged one.

Mr. Sadanand Paswan, learned Special P.P. for the State has categorically submitted that the allegations are general and omnibus.

Considering the facts and circumstances of the case, the parties being co-villagers and there seems to be a case of land

dispute as also that there are general and omnibus allegations against the appellant and this is a regular bail application, this Court sets-aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with G.R. No. 60 of 2021 arising out of Barauni P.S. Case No. 203 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.