

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.310 of 2021**

Arising Out of PS. Case No.-63 Year-2019 Thana- SC/ST District- East Champaran

MAMILA MAHTO S/o Late Chain Mahto Resident of Village- Madhubani,
P.S.- Sangrampur, District- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Pramod Kumar Pandey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-03-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Special P.P. for the State.

Appellant in the present case is challenging the order dated 03.09.2020 passed in Motihari SC/ST P.S. Case No. 63 of 2019 registered for the offence under Section 341, 323, 406, 420, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the



informant alleged that the compensation of his land for the pipe line project has been taken by one Mamila Mahto with the help of Karmchari Yogendra Rai and Surendra Sharma. It is further alleged that when the informant informed the Circle Officer regarding the forgery then local Karmchari Yogendra Rai was entrusted to enquire into the matter. The informant alleged that Yogendra Rai and Surendra Sharma indulged in abuse to the informant in his caste name in the Circle Office itself.

Learned counsel submits that the appellant is innocent and has falsely been implicated in this case. It is submitted that the appellant has purchased the land from the co-sharers of the informant and brother. The appellant is in custody since 24.08.2020.

Learned Special P.P. for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that the appellant has been falsely implicated in this case as according to him he is purchaser of the land in question and the said purchases were made from the co-sharers of the informant and brother and further considering that this Court has granted privilege of anticipatory bail to the co-accused



Yogendra Rai in Criminal Appeal (SJ) 5123 of 2019 and Surendra Sharma in Criminal Appeal (SJ) 5535 of 2019, the impugned orders are set aside.

Let the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J.-cum-Special court SC/ST Act, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 63 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(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’.

