

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3939 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- GOPALPUR District- West Champaran

1. UMESH MAHTO SON OF CHANCHAL MAHTO R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
2. JAYNARAYAN MAHTO @ JAINARAYAN PRASAD KUSHWAHA SON OF CHANCHAL MAHTO R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
3. DHURENDRA MAHTO SON OF CHANCHAL MAHTO R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
4. LALITA DEVI WIFE OF UMESH MAHTO R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
5. RINKU DEVI @ RIPU DEVI WIFE OF DHURENDRA MAHTO R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
6. KIRAN DEVI WIFE OF JAYNARAYAN PRASAD @ JAYNARAYAN PRASAD KUSHWAHA R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN
7. VIKASH KUMAR SON OF UMESH MAHTO R/O VILLAGE- MACHHI SUGAR, P.S.- GOPALPUR, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhannjay Kumar No 2
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 21-10-2021 Learned counsel for the appellants seeks permission to withdraw the application of appellant nos. 2 and 3, since during the pendency of this application, they have been arrestes.

Permission is accorded.

Accordingly, the application of appellant nos. 2 and 3 is dismissed as withdrawn.

Heard learned counsel for the appellant nos. 1, 4 to 7 and learned Special P.P. for the State.

The appellants seek pre-arrest bail in connection with Gopalpur P.S. Case No. 98 of 2021 registered under Sections 341, 323, 354, 379/34 of the Indian Penal Code and Section 3(i) (s) (r) (w)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Submission of learned counsel for the appellants is that the appellants are innocent and have falsely been implicated in the present case due to prior enmity between the parties for land dispute. Further submission is that on perusal of Annexure nos.- 2 and 3, it appears that earlier two cases have also been lodged against the informant and her family members by the appellants' side. It is also submitted that the informant has lodged this case as counter blast to save the skin.

Having heard both sides and in the facts and circumstances of the case, let the above named appellants no. 1, 4 to 7 be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs. 10,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with

Gopal, subject to the conditions as laid down under section 438(2) of Cr. P.C.

Accordingly, the appeal is allowed and the impugned order dated 27.08.2021 is set aside.

(Arvind Srivastava, J)

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