

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3924 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- SC/ST District- Rohtas

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1. KAILASH MAHTO Son of Late Sita Mahto
 2. Mithilesh Mahto @ Mithilesh Mehta @ Mithilesh Kumar Mehta Son of Kailash Mahto
 3. Satendra Mahto @ Satendra Mehta Son of Late Ram Sewak Mahto
 4. Shambhu Mahto Son of Late Ram Sewak Mahto
 5. Mantu Mehta @ Mantu Kumar Son of Shambhu Mahto
 6. Jeetendra Kumar Mehta @ Jeetendra Mahto Son of Kailash Mahto
All resident of Village - Tiura, P.S.- Chutiya, Dist.- Rohtas, Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 08-02-2021 Heard both sides.

The appellants filed this appeal for grant of bail in Dehri S.C./S.T. P.S. Case No.32 of 2019 registered under Sections 147, 148, 149, 341, 323, 307, 354, 379, 427, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r)(s) of S.C./S.T. Act.

The informant alleged that on 17.04.2019 while he was staking bricks for construction of house on his purchased land bearing Khesra No.2267 of Khata No.155, area 12 decimals, all the six appellants came and abused the informant



by naming his caste and assaulted the informant and his family members. The accused persons also snatched money and ornaments from the possession of the informant and his wife.

Learned counsel for the appellants submits that there is a bonafide land dispute between the two sides and on account of such, the informant is in the habit of lodging false and concocted case after cases. It is further submitted that Chutiya P.S. Case No.14 of 2007 is pending on account of civil dispute. The allegation of being snatching is made and no offence under the S.C./S.T. Act is made out. The informant taking advantage of his status lodged the case in order to grab the land. The occurrence took place on 17.04.2019 but the F.I.R. was lodged on 13.05.2019. There is inordinate delay in lodging the case and this fact itself shows the falsity of the allegation.

Learned A.P.P. however opposed the prayer for bail.

Having regard to the facts that the occurrence is said to have taken place on 17.04.2019 but the written application without any date was given to the police station on which the F.I.R. was lodged on 13.05.2019 and there appears a bonafide land dispute between the two sides, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks 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 the learned Addl. District and Sessions Judge 1st, Sasaram, Rohtas in connection with Dehri S.C./S.T. P.S. Case No.32 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The appeal is accordingly allowed.

(Prabhat Kumar Jha, J)

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