

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1657 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- BATHNAHA District- Sitamarhi

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1. GUDAR MAHTO Son of Late Danilal Mahto Resident of Village - Laxmipur, P.s.- Bathnaha, Distt.- Sitamarhi.
 2. DAMODAR MAHTO Son of Late Danilal Mahto Resident of Village - Laxmipur, P.s.- Bathnaha, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. PARWATI DEVI SATRUDHAN RAM LAXMIPUR
3. Parwati Devi W/o Satrudhan Ram Resident of Village - Laxmipur, Ward no.02, P.s.- Bathnaha, Distt.- Sitamarhi.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-10-2022 Learned counsel for the appellants is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Earlier vide order dated 21.07.2022, provisional bail was granted to the appellants and notice was issued to the newly added respondent respondent no. 2. Despite valid service of notice, none appears on behalf of the respondent no. 2.

This court having taken into consideration the fact with regard to an occurrence, which took place on 24.03.2021, the F.I.R. has been instituted on 06.08.2021 and no explanation whatsoever has been assigned for causing such a long delay in



the institution of the F.I.R. and having found no specific allegation against the appellants, apart from the fact that there was land dispute pending between the parties, have granted provisional bail till further order of this court.

Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellants, however, does not confront the materials available on record as observed above.

In view of the aforesaid submissions made on behalf of the parties and the materials available on record as well as the earlier order dated 21.07.2022 whereby the appellants were granted provisional bail by this court is hereby confirmed.

Accordingly, the impugned order dated 09.03.2022 passed in Bathnaha P. S. Case No. 196 of 2021 is hereby set aside and the present appeal stands allowed with the conditions as mentioned in earlier order dated 21.07.2022 passed by this court.

(Harish Kumar, J)

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