

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3609 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- PANAPUR District- Saran

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1. Mukti Nath Mahto Son of Late Babulal Mahto R/V- Semari, P.S- Panapur, Dist- Saran
 2. Mintu Kumar Mahto Son of Sri Mukti Nath Mahto R/V- Semari, P.S- Panapur, Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Ram Son of Late Chaturi Ram R/V- Semari, P.S- Panapur, Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Vaishnavi Singh
For the Respondent/s	:	Mr. Usha Kumari 1
For the Informant	:	Mr. Sunil Pd. Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

- 3 28-02-2023 Heard Ld. counsel for the appellants, Ld. APP for the State and Ld. Counsel for the Informant/Respondent No.2.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 20.09.2022, passed by the Ld. 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran at Chapra, in connection with Panapur P.S. Case No. 101 of 2022, registered for the offences punishable under Sections 147, 149, 302, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s) of the



Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is that appellant and other co-accused persons variously armed with iron rod, *lathi*, *danda* and firearms, took away the sleeping son of the informant and brutally assaulted him. They threw the unconscious injured body of the son of the informant at his house. During treatment the son of the informant died.

Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. She further submits that there is no specific allegation against the appellants and allegation against the appellants are general and omnibus in nature. She also submits that appellants were even not present at the place of occurrence. She further submits that appellants are living in village Semari at their Nanihali Tarka and due to land dispute appellants have been made accused in this case. She also submits that similarly situated co-accused, namely, Ramayan Mahto has already been enlarged on bail by a co-



ordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Appeal (SJ) No. 3066 of 2022.

He further submits that the appellants have been languishing in jail since 31.08.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellants have no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and informant vehemently oppose the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 20.09.2022, passed by Ld. d. 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran at Chapra, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran



at Chapra in connection with Panapur P.S. Case No. 101 of 2022 on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants 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 them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellants have any criminal antecedents, Ld. trial court shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.



(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.

Ld. counsel for the appellants is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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