

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2964 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- SC/ST District- Gopalganj

Rambabu Prasad SON OF LATE GAUTAM PRASAD VILLAGE- MAD-
HOPUR, PS- BARAULI, DIST- GOPALGANJ

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Prasad Son Of Hajari Sah Village- Madhopur, Po- Madhopur, Ps- Barauli, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghav Prasad, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-12-2024 Heard the parties.

2. This Appeal is directed against the order dated 18.05.2024 passed by learned Additional Sessions Judge-XI-cum-Special Judge, SC/ST Act, Gopalganj in SC/ST, Gopalganj Police Station Case No. 42 of 2023 registered for the offences under Section 341, 323, 120(B), 467, 468, 471, 504 and 34 of the I.P.C. and 3(1) (r) (s)/3(2) (va) SC/ST (POA) Act and enlarge the Appellant on bail.

3. As per the prosecution story, the informant alleged that he belongs to Gond caste and possess a land but came to know that the accused persons have got its possession under conspiracy. A *Panchayati* was held but after he was abused by his caste name, assaulted, the present case.



4. It is the case of the petitioner that only to grab the land, the appellant has made the case.

5. Further, though the informant claims the land to be his, no such petition has ever be filed anywhere and only to exert pressure, the present appeal. The further submission is that he has already suffered by being in custody since 28.04.2024 and if granted bail, shall be diligently appearing in trial.

6. In this case, notices were issued to the respondent and the same was validly served but there is no representation.

7. Taking into account the aforesaid facts that it relates to land dispute, the case has been lodged, the appellant will suffer the consequences, charge-sheet submitted, he is in custody since 28.04.2024, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Special Judge SC/ST, Gopalganj in connection with Gopalganj P.S. Case No. 42 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;



(ii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the appellant shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. The order dated 18.05.2024 passed by learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in SC/ST is set aside and the appeal stands allowed.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

