

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3834 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- ARERAJ District- East Champaran

1. Phulena Mahto son of Late Sita Ram Mahto
2. Kusum Devi @ kaushalya devi Wife of Phulena Mahto
3. Guddu Kumar @ Guddu Mahto son of Phulena Mahto
4. Suraj Mahto son of phulena Mahto.
5. Ranjit Kumar @ Ranjit Mahto son of Phulena Mahto
All Resident of Village- Bahadurpur, Ward No.-13, P.S.- Areraj, District-
East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi Wife of kishun Ram Resident of Village- Bahadurpur, Ward
No.-13, P.S.- Areraj, District- East Champaran.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-09-2024 1. Heard learned counsel for the appellants and the
learned Special Public Prosecutor for the State.
2. The appellants have challenged the order dated
24.06.2024 passed by the learned Special Judge, SC/ST Act,
East Champaran, Motihari in connection with Areraj P.S. Case
No.3 of 2024 instituted for the offences under Sections 147,
149, 341, 323, 325, 307, 354B, 506 IPC and Section 3(i)(r)
(s)/3(2)(va) of the SC & ST Act, whereby their prayer for grant
of anticipatory bail has been rejected.
3. The learned counsel for the appellants submit that



appellants have been falsely implicated in the instant case by the informant. It is next submitted that informant realizing her mistake on intervention of well-wisher compromised the case with the appellants. It is also submitted that since the informant does not intend to pursue with the case, as such no useful purpose would be served by sending the appellants to jail.

4. The learned Special P.P. opposes the bail application.

5. Regard being had to the aforesaid submissions, the order dated 24.06.2024 is set aside.

6. The appeal stands allowed.

7. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Areraj P.S. Case No.3 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the appellants shall verify from the informant



with regard to the genuineness of the compromise and in the event if the informant disputes the compromise, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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