
(2021) 05 PAT CK 0010

In the Patna High Court

Case No : Criminal Appeal (Sj) No. 759, 785 Of 2021

Bisel Mehta @ Vijel Mehta @ Bijel Mehta

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 03-05-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14(A)(2)
Indian Penal Code, 1860 — Section 147, 148, 149, 302, 307, 323, 326, 341, 379, 427, 504, 506
Arms Act, 1959 — Section 27

Citation : (2021) 05 PAT CK 0010

Hon'ble Judges : Birendra Kumar, J

Bench : Single Bench

Advocate : Dr. Bidhu Ranjan, Binay Krishna, Sadanand Paswan

Final Decision : Allowed

Judgement

These matters have been taken up through virtual Court proceeding.

Heard learned counsel for the parties.

These appeals are under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to

as the "SC/ST Act") against the refusal of prayer for regular bail vide order dated 16.10.2020 passed by the learned 1st Additional Sessions

Judge-cum-Special Judge, S.C./S.T. Act, Purnea in connection with Special SC/ST Case No. 118 of 2019 arising out of Barhara P.S. Case No. 251 of

2018 registered under Sections 147, 148, 149, 341, 323, 326, 307, 379, 427, 504, 506, 302 of the Indian Penal Code, Section 27 of the Arms Act as well

as Sections 3(2) (V) of the SC/ST Act.

For land dispute, there is general and omnibus allegation against eight accused

persons named in the FIR including the appellants of firing causing injury which resulted in subsequent death.

Submission is that allegation is not specific and the co-accused bearing identical allegation, namely, Jhakas Mehta has already been allowed bail by a

Coordinate Bench of this Court vide order dated 27.11.2020 passed in Cr. Appeal (SJ) No. 1784 of 2020 (Annexure-2). Appellant Chano Mehta @

Gajendra Mehta is in custody since 13.09.2020. Appellants have got no criminal antecedent. Investigation of the case against the appellants is already complete.

Considering the entire facts aforesaid, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty

Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the

aforesaid case, subject to the following conditions:-

(a) The appellants shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail

bond of the appellants.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The appellants shall not leave the country without permission of the learned trial court.

Accordingly, the impugned orders are set aside and these appeals stand allowed.