

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2017 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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Satyanarayan Rai @ Satyanarayn Mahto Son of Late Bindeshwari Rai
resident of Village- Bajitpur Bombaiya, P.S.- Bibhutipur, District-
Samastipur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-09-2017 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail
in connection with Bibhutipur P.S. Case No.44 of 2017 registered
for the offences punishable under Sections 341, 323, 325 and
307/34 of the Indian Penal Code and 3(I)(r)(s) of the Scheduled
Castes/Scheduled Tribes (Prevention of Atrocities) Act and for
setting aside the order dated 31.05.2017 passed by learned 1st
Additional Sessions Judge, Samastipur in ABP No.754 of 2017.

Allegation against the appellant is of having scuffle
with the informant.

Submission of learned counsel for the appellant is that
the FIR does not show any allegation of abusing the informant by
taking his caste name and further submission is that there was land
dispute and the land belongs to the appellant and as is evident to



make over the same, the occurrence took place as such, there was no allegation of eliminating the informant in view of his caste.

Heard learned Special P.P. also.

Having heard both sides and in view of the facts and circumstances, this appeal is allowed. Let appellant, above named, surrender within a period of six weeks and on his so surrendering he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur, in connection with Bibhutipur P.S. Case No.44 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, after setting aside order dated 31.05.2017, passed by learned 1st Additional Sessions Judge, Samastipur in ABP No.754 of 2017, and further conditions that:-

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned,
- (2) Appellant will co-operate in investigation of the case, failing which her bail bond shall be cancelled.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J.)

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