

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2262 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -SC ST District- VAISHALI(HAJIPUR)

=====

1. Sahi Rai S/o Jag Lal Rai
2. Wakil Rai S/o Jinish Rai
3. Rahul Kumar S/o Upendra Rai
4. Renu Devi W/o Upendra Rai
5. Deepak Kumar S/o Chandar Rai All residents of Village - Kirolpur
Pacchiari Tola (West Tola), P.S. Bhagwanpur, District Vaishali at Hajipur.

.... Appellants

Versus

The State of Bihar.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Satya Prakash

For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with SC/ST P.S.Case No. 10 of 2017 registered for the offences punishable under Sections 147, 149, 341, 339, 323, 447, 448, 326, 307, 354, 504, 379 of the Indian Penal Code and 3(i)(r), 3(1)(v) and 3(ii)(v) of the SC/ST Act and for setting aside the order dated 14.6.2017 passed by Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur.

Allegation as per FIR is of assault and there is also allegation of abusing the informant.



Submission of learned counsel for the appellants is that there is general allegation of assault against all the accused persons and allegation of outraging modesty of sister-in-law of the informant is against Rahul Kumar and Dipak Kumar and further allegation against them is of abusing by taking caste name and there is case and counter case between the parties and the dispute arose with respect to construction of house and they have falsely been implicated in this case.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellants on the ground of maintainability of the appeal.

Having heard both sides and in view of facts and circumstances, let appellants Nos. 1 to 3 and 5, above named, surrender before the court of Special Judge and pray for regular bail, which shall be considered on its own merit and on the basis of submission made above, without being prejudiced by this order, preferably on the same day.

So far appellant No.4 is concerned, in the facts and circumstances and as she is lady, let her surrender within a period of six weeks and on her so surrendering she 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 Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur, in connection with SC/ST P.S. Case No. 10 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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)

spal/-

U			
---	--	--	--

