

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2479 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -CHAPRA TOWN District- SARAN

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1. Kariman Rai @ Rahul Kumar, Son of Sri Hari Rai @ Harihar Rai,
2. Kashi Rai @ Akarsi Rai Son of Shree Deenbandhu Rai,
3. Rajendra Rai Son of Late Rama Rai, All are R/o Village- Rauja, P.S.-
Chapra Town, District- Saran.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Prakash Chandra Jha

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-09-2017 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 Chapra Town P.S.Case No. 53 of 2017 registered for the offences punishable under Sections 448, 341, 447, 323, 324, 379, 436, 504, 506/34 of the Indian Penal Code and 3(1)(x) of SC/ST Act and for setting aside the order dated 23.5.2017 passed by Additional Sessions Judge-I, Saran, Chapra.

Allegation against appellant No.1 is of abusing the informant by taking his caste name and when the informant protested the other appellants came to the house of informant and appellant No.1 has also assaulted him by knife and appellant No.3



has also assaulted him and abused him by taking his caste name.

Submission of learned counsel for the appellants is that no case is made out under the SC/ST Act against the appellants and they have falsely been implicated in this case and there is case and counter case between the parties.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellants.

Having heard both sides and in view of facts and circumstances, prayer for pre-arrest bail of appellant No.1 is rejected. He should surrender and pray for regular bail, which shall be considered by learned Special Judge on its own merit, without being prejudiced by this order.

So far appellants Nos. 2 and 3 are concerned, as there is no specific allegation against them and there is allegation of abuse inside the house and not in public view, let them surrender within a period of six weeks and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Saran, Chapra, in connection with Chapra Town P.S. Case No. 53 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the following



conditions :-

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned,
- (2) Appellants will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which the prosecution will be at liberty to move for cancellation of their bail bonds.

The appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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