

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2905 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -KURTHA District- JEHANABAD

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1. Md. Faisal @ Faisal Imam, Son of Manjar Alam,
2. Amir Mallik @ Md. Amir Hassan, Son of Late Masrur Mallik,
3. Banti @ Hasibul Haque S/o Samir Mallik,
4. Riju @ Md. Rijwan @ Rijwan, son of Md. Mumtaz Mallik
All R/o Village- Dhamaul, P.S.- Kurtha, District- Arwal.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lakshmi Kant Sharma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-11-2017 Heard learned counsel for the appellants.

The appellants seek pre-arrest bail in connection with Kurtha P.S. Case No. 71 of 2017, registered for the offences punishable under Sections 147, 149, 341, 323, 504 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (POA) Act and for setting aside the impugned order dated 04.09.2017 passed by the 1st Additional District & Sessions Judge-cum-Special Judge, Jehanabad.

Allegation against the appellants and other six accused persons is of abusing the informant by caste name and also of assault.

Submission of learned counsel for the appellants is that



there is general and omnibus allegation of abusing and assault. No specific allegation of assault or abuse by caste name is attributed against the appellants.

Heard learned Special P.P.

Having heard both sides and in view of facts and circumstances, this appeal is allowed and impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum-Special Judge, Jehanabad in connection with Kurtha P.S. Case No. 71 of 2017, subject to the conditions as follows:

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.
- (2) The appellants shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without



showing any genuine reasons, the prosecution
is free to move for cancellation of their bail
bonds.

(Vinod Kumar Sinha, J)

ajay gupta/-

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