

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2822 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -GAYA MUFFSIL District- GAYA

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1. Kala Wati Devi @ Kalawati Kumari, W/o Arjun Yadav,
2. Lakhan Yadav alias Ram Lakhan Yadav, S/o Late Bulaki Yadav, Both
R/o Village- Gaura, P.S.- Mufassil, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gouranga Chatterjee

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 27-11-2017 Heard learned counsels for the appellants, the
informant as well as the State.

The appellants have challenged the order dated 17.07.2017 passed by the learned Special Judge, SC/ST, Gaya in connection with Gaya Muffasil P.S. Case No. 105/2017 instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 307 and 302 of the Indian Penal Code and Sections 3(2)(v)(a)/3(2)(v)(b)/3(2)(va) of the SC/ST Amendment Act, 2015, whereby their prayer for being released on bail has been rejected.

The daughter of appellant no. 1, namely, Sonam Kumar had eloped with the nephew of the informant. This had led to resentment in the village. In the F.I.R., it has been alleged that



the appellants and others had collected at the house of the informant and under the leadership of one Dharmendra, the parents of the informant were assaulted by fists, slaps, *lathi* and *danda* etc. The parents of the informant ultimately succumbed to the injuries. In the First Information Report, there is a clear allegation that the assault was perpetrated by co-accused Dharmendra, Ashok, Jitendra, Kundan and Manoj.

The appellants have not been alleged to have done anything except for having assembled along with others at the house of the informant.

The appellants are in custody since 09.04.2017.

In the facts and circumstances the order dated 17.07.2017 is set aside.

The appellants are directed to be released on their furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in connection with Gaya Muffasil P.S. Case No. 105/2017.

(Ashutosh Kumar, J.)

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