

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1199 of 2017

Arising Out of PS.Case No. -86 Year- 2016 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Kailash Ram son of Narayan Ram
2. Prasad Ram son of Narayan Ram
3. Indu Devi @ Indu Devi Wife of Prasad Ram All are residents of village -
Barwa Persauni, P.S. Inarwa, District - West Champaran.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhileshwar Kumar Shrivastva

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-05-2017 At the very outset, it has been submitted that

appellant no.1 has already been arrested. As such, he seeks

permission to withdraw this appeal so far appellant no.1 is

concerned.

Permission is accorded.

With regard to appellant no.1 this appeal is

dismissed as withdrawn.

The appellants have filed the instant appeal in terms

of Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of atrocities) Act against an order dated 31.01.2017
passed by the learned Additional District and Sessions Judge, 1st
Bettiah, West Champaran, in Inarwa P.S.Case No.86/16 registered
for the offence punishable under Sections 341, 323, 354(B)/ 511,
504, 506/34 of the Indian Penal Code and Section 3(i)(x) of the
SC/ST Act whereby and whereunder prayer for anticipatory bail of



the appellants has been rejected.

Allegation, as per the F.I.R., against the appellants is that on 26.10.2016 at 4 A.M. in the morning when the informant along with her daughter aged about 4 years, Pooja Kumari came out of her house for easing out, the accused persons, not the appellants, surrounded and asked her to withdraw the case. When she protested other co-accused Idrish Mian thrashed her on the ground to commit rape upon her. Further allegation is that these appellants came and assaulted the informant and others causing some injuries.

It has been submitted on behalf of the appellants that the appellants, themselves belong to Scheduled Castes community and co-accused Narayan Ram who is father of the appellants is own mausa of the informant and the appellants no.1 and 2 are happens to be mausera brothers of the informant. As such, no case is made out so far Section 3(i)(x) or any other Section against these appellants and so far other allegation against the appellants are concerned, they are bailable.

Heard learned Special P.P. also. He does not controvert the aforesaid fact.

In view of the submissions as made above, let the appellants no.2 and 3, above named, in the event of their arrest or surrender before the court below within four weeks from today be released on bail on furnishing bail bonds of Rs.25,000/- each with



two sureties of the like amount each to the satisfaction of Sri Sitesh Kumar, J.M., 1st Class, Bettiah, West Champaran, in Inarwa P.S. Case No.86/16 subject to the conditions as laid down under Section 438(2) of Cr.P.C. and other conditions that:

- (i) The bailers of the appellants should be their close relatives having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is



allowed. The impugned order dated 23.03.2017 passed by the learned Judicial Magistrate, 1st Class, Bettia, West Champaran, in Inarwa P.S. Case No.86/16 is set aside.

Accordingly, this appeal is allowed.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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