

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1102 of 2017

Arising Out of PS.Case No. -92 Year- 2010 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramvinod Kushwaha, Son of Late Shivmangal Mahto,
2. Umakant Kushwana, Son of Bachha Mahto.
3. Ishwar Chand Kushwaha, Son of Late Shivmangal Mahto.
4. Gorakh Mahto, Son of Late Mukti Mahto, All are resident of Village-
Kalwari Majhariya, P.S.- Adapur District- East Champaran, Motihari.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 28-06-2017 The appellants seek pre arrest bail in connection with

Adappur P.S.Case No.92 of 2010 registered for offences

punishable under Sections 341, 323, 427 & 379 of the Indian

Penal Code and Section 3(i) (x) of SC/ST (Prevention of

Atrocities) Act.

Allegation as per F.I.R. against the appellants is that they

have assaulted the accused persons and the case is made out under

Section 323, 427 and 379 of the Indian Penal Code as well as

Section 3(i) (x) of SC/ST (Prevention of Atrocities) Act.

In this case from perusal of the order-sheet, it appears

that earlier prayer for bail with respect to appellants (Umakant

Kushwaha and Ishwar Chand Kushwaha) has been withdrawn as

they have been arrested during the pendency of this appeal. So far



other appellants (Ramvinod Kushwaha and Gorakh Mahto) are concerned, it is submitted that there is there is no allegation constituting any offence under the provisions of S.C. & S.T. (Prevention of Atrocities) Act and so far other allegations are concerned they areailable, as such they deserve privilege of bail.

Heard learned Special P.P. also, who could not controvert the above facts. So far these appellants are concerned there is allegation of abusing by their cast name.

Having heard both sides and in view of the facts and circumstances as stated above, let the appellants in the event of arrest or surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (Prevention of Atrocities) Act, East Champaran, Motihari in connection with Adapur P.S.Case No.92 of 2010, subject to conditions as laid won under Section 438 (2) of Cr.P.C. after setting aside the order dated 22.3.2017 passed by the Additional Sessions Judge-cum-Special Judge, S.C./S.T. (Prevention of Atrocities) Act, East Champaran, Motihari in A.B.P.No.461 of 2017.

(Vinod Kumar Sinha, J)

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