

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1460 of 2017

Arising Out of PS.Case No. -179 Year- 2016 Thana -SANDESH District- BHOJPUR

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Surendra Ojha @ Surendra Kumar Ojha, S/o Late Prasann Ojha, R/o
Village Khandal, P.S.- Sandesh, District- Bhojpur.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ravindra Kumar, Advocate
: Mrs. Krishna Kumari, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPL PP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellant seeks pre-arrest bail in connection with

A.B.P. No. 62/17 arising out of Sandesh P.S. Case No. 179/16

registered for offences punishable under sections 448, 341, 323,

504 and 506 of Indian Penal Penal and Section 3 (I) (r) (s) & 3(2)

(v) (a) SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant is that he entered into

the house of the informant and abused her in the name of Harijan

and caste name Dhobi on the point of selling of eggs. When she

fled inside the house then he also entered in the house and thrown

her on the ground and started assaulting with legs and fists due to

which she became injured. Appellant always used to threaten her

to leave the village as she belongs to a weaker caste Dalit

(Harijan).



It has been submitted on behalf of the appellant that he is innocent and has committed no offence. It has been further submitted that the real fact is that son of the informant, namely, Birendra Rajak always used to hear filthy song in full volume to which objection was raised and in annoyance of this fact this false case is filed.

Heard both sides.

Considering the aforementioned facts and circumstances, this appeal is allowed, let appellant surrender before the Court of Special Judge within a period of four weeks and on his so surrendering the Court below will release him on bail on furnishing bail bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Sandesh P.S. Case No. 179/16, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellant 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 reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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