

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1467 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -BAHADURPUR District- PATNA

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1. Kawal Pati, W/o Rajendra Kumar @ Rajendra Kumar Tanti,
2. Rockey Kumar, S/o Rajendra Kumar @ Rajendra Kumar Tanti, Both
resident of Jai Mahaveer Colony, Sandalpur, Patna-6, P.S.- Bahadur Pur,
District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Kumari Jyoti, Adv.

For the Respondent/s : Smt. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 This appeal is for grant of pre-arrest bail in connection with Bahadurpur P.S. Case No. 153 of 2016 registered for the offence under section(s) 341, 323, 504/34 and section(s) 3 (1) (x) (xi) of the SC/ST Act.

Submission of the learned counsel for the appellants is that as a matter of fact, appellant no. 1 is the renter of the informant and dispute arose with respect to the demand of rent and allegation has been made of abusing the informant by taking her caste name. It has further been submitted that appellant no. 1 is an old lady aged about 60 years and so far appellant no. 2 is concerned, there is absolutely no allegation against him except that he was assisting the appellant no. 1 in the aforesaid offence.

Heard learned Special Public Prosecutor also.



Having heard both sides and in view of the facts and circumstances of the case as there is no allegation against appellant no. 2, as such, this appeal with regard to appellant no. 2 is allowed and he, in the event of arrest or surrender before the court below within a period of four week from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs.25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge SC/ST Act, Patna in connection with Bahadurpur P.S. Case No. 153 of 2016, subject to the following conditions:-

- (i) One of the bailors of appellant no. 2 shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant no. 2 will not induce any witness or tamper with the evidence.
- (iii) The appellant no. 2 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 rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.



So far prayer for bail with regard to appellant no. 1 is concerned, is rejected.

Let appellant no. 1 surrender before the court below and make prayer for regular bail, which will be considered by the Special Court on this aspect of the matter that she is an old lady and considering this aspect of the matter and the materials available on record, the Special Court will pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court.

With the above observation/direction, this appeal is disposed of with regard to appellant no. 2.

(Vinod Kumar Sinha, J)

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