

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1959 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -GURARU District- GAYA

- =====
1. Md. Kafya @ Md. Kafiya @ Kaifi Khan @ Md. Kaifi, son of Md. Faiyaz Khan
 2. Md. Faiyaz Khan @ Faiyaz Khan, son of Late Reyaz Khan, both residents of village Kekhda, P.S. Guraru, District Gaya
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Mahtab Alam, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-07-2017 Heard learned counsel for the appellants and learned Special P.P.

This appeal has been filed for setting aside the order dated 22.5.2017 passed by Special Judge, SC/ST Act, Gaya, in ABP No. 63 of 2017, arising out of Guraru P.S.case No. 48 of 2017 instituted under Sections 323, 341, 379, 504, 506/34 of the Indian Penal Code and 3(1)(r)(s), 2(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation as per FIR against the appellants is that they have abused the informant and assaulted her.

It has been submitted on behalf of the appellants that allegation is general and omnibus in nature and even there is no allegation of abusing her by taking caste name and further occurrence took place at the darwaja of informant and so far other offences are concerned, they are bailable.

Learned Special P.P., who has opposed the prayer for



pre-arrest bail of the appellants.

Having heard both sides and in view of facts and circumstances, as stated above, the appeal is allowed and the impugned order is set aside.

Let the appellants, named above, surrender in the court of Special Judge within four weeks and on their so surrendering, they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Gaya, in connection with Guraru P.S. Case No. 48 of 2017, subject to the conditions that one of the bailors should be a local person having sufficient immovable properties within the jurisdiction of the court concerned and they will co-operate in investigation of case and make themselves available as and when required by the Investigating Officer and on the event of failure on their part to appear before him on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail and further they will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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