

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1808 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jai Prakash Mahto, son of Ram Lal Mahto.
 2. Sudhir Kumar, Son of Jai Prakash Mahto.
 3. Lal Babu Mahto.
 4. Darvesh Mahto @ Darbesh Mahto. Both 3 & 4 are Son of Ram Chandra Mahto.
 5. Kishori Mahto, Son of Ramashray Mahto, All Resident of Village-Bijbani, P.S.- Jitna, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Kant Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2017 Heard the parties.

The appellants seek pre arrest bail in connection with Ghorasahan P.S.Case No.64 of 2017 registered for offences punishable under Sections 341, 323, 504, 509 and 34 of the Indian Penal Code and section 3(i)(r)(w) of SC/ST (Prevention of Atrocities) Act.

Allegation as per F.I.R. against this appellants is that on calls of the co-accused they went there to threat the informant and his family members and also became ready to assault them.

Submission of the learned counsel for the appellants is that no cases is made out under S.C./S.T. (Prevention of Atrocities) Act, against these appellants and they have been falsely implicated in this case.



Heard learned Special P.P. also, who has opposed the prayer for anticipatory bail.

Having considered both sides and in view of submissions, let the appellants in the event of arrest or surrender before the court of Special Judge 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.) (POA) Act, East Champaran, Motihari, in connection with Ghorasahan P.S.Case No.64 of 2017, subject to conditions as laid down under Section 438 (2) of Cr.P.C., after setting aside the order dated 22.05.2017 passed by 1st Additional Sessions Judge, East Champaran, Motihari in Ghorasahan P.S.Case No.64 of 2017, subject to further conditions that appellants will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which their bail bond shall be liable to be cancelled.

With the above observation, this appeal is allowed.

(Vinod Kumar Sinha, J)

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