

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2230 of 2017

Arising Out of PS.Case No. -16 Year- 2016 Thana -SC/ST District- SEKHPURA

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1. Chakandar Ram Son of Late Ram Nandan Ram
2. Sudama Kumar, Son of Late of Chakandar Ram
3. Gopal Kumar, Son of Late Chakandar Ram
All residents of Village : Kamata, P.S. – (Hathiyawan O.P) Sheikhpura,
District – Sheikhpura.

.... Appellant/s

Versus

State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-08-2017 The appellants seek pre arrest bail in connection with Sheikhpura P.S. Case No. 16 of 2016, registered for offences punishable under Sections 341, 323, 325 & 504/34 of the Indian Penal Code and section 3(R)(S)W(ii) of SC/ST Act.

Allegation against the appellants of abusing the informant by caste name and also of assaulting him.

It has been submitted on behalf of the appellants that only general and omnibus allegation of abusing the informant by caste name has been levelled in this case and that too only against appellant no. 1 and so far appellant nos. 2 and 3 are concerned, no allegation of abusing the informant has been levelled. Further one of the appellants has lodged a case against the informant and only due to which, the present false case has been filed.



Learned Special P.P. opposed the prayer for bail on the ground of maintainability, however, he fairly conceded that there is no allegation against appellant nos. 2 and 3 of abusing the informant by caste name.

Having heard both sides, in view of the fact that only general and omnibus allegation has been levelled against appellant nos. 2 and 3, as such this appeal so far appellants nos. 2 and 3, is concerned, is allowed, let appellant nos. 2 and 3, namely, Sudama Kumar and Gopal Kumar, in the event of their arrest or surrender before 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 bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -1st, Sheikhpura, in connection with Sheikhpura P.S. Case No. 16 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants shall cooperate in the investigation and make themselves available as and when required by the police and on



the event of failure on their part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

So far this appeal with regard to appellant no. 1, namely, Chakandar Ram, is concerned, considering the facts and circumstances of the case, the same is not maintainable.

Let appellant no. 1, namely, Chakandar Ram, surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellant no. 1, namely, Chakandar Ram that there is case and counter case between the parties and appellant is an old person aged and also after considering other materials available on record, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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