

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2699 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -SC/ST District- BANKA

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1. Nirmala Devi, Wife of Haldhar Singh @ Haldhar Prasad Singh
2. Haldhar Singh @ Haldhar Prasad Singh, Son of Late Hero Singh null
3. Sawan Kumar Son of Haldhar Singh @ Haldhar Prasad Singh All
Resident of Village-Mahgama, Police Station-Rajoun, District-Banka

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Md. Nurul Hoda

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Banka SC/ST P.S. Case No. 49 of 2016 registered for the offences punishable under Sections 447, 341, 354, 379, 504/34 of the Indian Penal Code and 3(1)(r)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 28.7.2017 passed by Additional Sessions Judge-I, Banka.

Allegation against appellant No.2 is of abusing the informant by taking his caste name, appellant No.1 is of assaulting by fists and slaps and against appellant No.3 is to torn blouse of bhabhi of informant.



Submission of learned counsel for the appellants is that no such occurrence has taken place as there is election dispute between the parties from before and, as such, they have falsely been implicated in this case and so far appellant No.1 is concerned, there is no allegation of abusing the informant.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail.

Having heard both sides and in view of the facts and circumstances, as stated above, let appellant No.1, above named, surrender within a period of six weeks and on her so surrendering she shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Banka, in connection with Banka SC/ST P.S. Case No. 49 of 2016, subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immovable properties in the jurisdiction of court concerned,
- (2) Appellant shall co-operate in investigation of the case and appear before the Investigating Officer as and when required, failing which her bail bond shall be liable to



be cancelled,

- (3) Appellant shall not induce any witness or tamper with the evidence.

So far appellants Nos. 2 and 3 are concerned, let them surrender within a period of six weeks and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this Court, and the court below will pass appropriate order, preferably on the same day.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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