

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2016 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -BALIGAON District- VAISHALI(HAJIPUR)

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1. Ram Sevak Singh, Son of Gurucharan Singh.
2. Mohan Singh, Son of Balgovind Singh.
3. Satya Narain Singh, Son of Johari Singh.
4. Guru Charan Singh, Son of Johari Singh.
5. Balgovind Singh, Son of Johari Singh. all are residents of Village- Gannipur Bhanpur, P.S.- Baligaon, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Prasad Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-09-2017 The appellants seek pre arrest bail in connection with Baligaon P.S. Case No. 34 of 2016, registered for offences punishable under Sections 341, 323, 354, 506, 504 and 34 of the Indian Penal Code and Section 3(x) of SC/ST Act.

Allegation against the appellants is of abusing the informant and also of assaulting him.

It has been submitted on behalf of the appellants that out and out false and fabricated case has been lodged against the appellants and further, there is no applicability of section 3(x) of SC/ST Act in this case as the occurrence took place inside the house. It has also been submitted that though there is allegation of



assault, however, no specific allegation has been made against the appellants except the appellant – Mohan Singh, who assaulted by knife.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case and also that the occurrence has taken place inside the house, as such, this appeal is allowed and impugned order is set aside, let the appellants above named, 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 Sessions Judge, - 1- Cum- Special Judge, Vaishali at Hajipur, in connection with Chapra Town P.S. Case No. Baligaon P.S. Case No. 34 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.

(Vinod Kumar Sinha, J)

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