

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2021 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -BIHARIGANJ District- MADHEPURA

- =====
1. Bagho Mehta, Son of Late Sita Ram Mehta,
 2. Nandan Mehta, Son of Bago Mehta, Both Residents of Village-
Manjoura, Ward No.8, P.S.- Bihariganj, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Pawan Kumar

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 18-07-2017 The appellants seek pre arrest bail in connection with Bihariganj P.S. Case No. 124 of 2017, registered for the offences punishable under Sections 341, 323 and 504/34 of the Indian Penal Code and Section 3(1)(3) of the SC/ST Act.

Allegation as per the FIR against the appellant is that due to some minor dispute they abused the informant by taking caste name and so far as the appellant no. 2 is concerned, there is allegation that he has assaulted the informant and others.

There is case and counter case between the parties and furthermore there is no allegation against the appellant no. 2 under Section 3(1)(3) of the SC/ST (Prevention of Atrocities) Act.

Heard learned Special P.P. also.

Having heard both sides, in view of the facts and



circumstances stated above, so far prayer for bail of appellant no. 1 is concerned, in view of the fact that there is allegation, this appeal is not maintainable. However, considering the submissions as made above, let appellant no. 1 surrender before the Special Court and make prayer for regular bail, and if any such application is filed, the learned Special Judge shall pass appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

So far appellant no. 2, namely, Nandan Mehta, is concerned, in view of the facts and circumstances of the case, this appeal is allowed. Let appellant no. 2 Nandan Mehta surrender before the court below within a period of four weeks and the court below shall release him on bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Uda-Kishunganj, District-Madhepura, subject to the conditions that:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court;
- (ii) The appellant will not induce any witness or tamper with the evidence; and
- (iii) The appellant shall cooperate in the disposal of the trial and make himself available as and when



required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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