

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2352 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -SC/ST District- SHEOHAR

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1. Nilam Devi @ Nilam Gupta, Wife of Shivaji Sah,
2. Shivaji Sah, Son of Pyare Sah, Both Resident of Village- Sheohar, Ward
No. 1, P.S. Sheohar, District- Sheohar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-09-2017 The appellants seek pre arrest bail in connection with Sheohar SC/ST P.S. Case No. 13 of 2017, registered for offences punishable under Sections 323, 504, 406 and 506/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(ii)(v)(a) of SC/ST (Prevention of Atrocities) Act.

Prosecution case is that informant purchased a second hand bolero vehicle from the appellants and after some time the appellants took their vehicle back from the informant and on being asked by the informant to return the money given for purchase of vehicle, appellant abused him by caste name and also assaulted him.

It has been submitted on behalf of the appellants that out and out false and concocted allegation has been made and only not



to pay the full consideration amount of the vehicle, the present case has been filed by him. Further allegation of abusing the informant is inside the house of appellant and not in public view, as such, no case under the SC/ST (POA) Act is made out against the appellants.

Learned Special P.P. opposed the prayer for bail.

Having heard both sides, considering the facts and circumstances of the case and also that the occurrence took place inside the house of the appellants, as such, this appeal is allowed, let the appellants above named, in the event of their arrest or surrender before the court below within a period of six 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 1st Additional Sessions Judge-cum-Special Judge, Sheohar, in connection with Sheohar SC/ST P.S. Case No. 13 of 2017, 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 to 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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