

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2038 of 2017

Arising Out of PS.Case No. -711 Year- 2016 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Lakshmi Kumari w/o Chandradeo Burnwal
 2. Chandradeo Burnwal son of late Arjun Burnwal
 3. Sonu Burnwal
 4. Golu Burnwal both sons of Chandradeo Burnwal all residents of Bajrang Chowk, Purani Bazar, Jhajha, P.S. Jhajha, Dist. Jamui.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwari
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-08-2017 At the very outset it is submitted by the learned counsel for the appellants that the appellant nos. 2 and 3 have already been arrested, as such the appeal with respect to them has become infructuous.

Hence, prayer for pre arrest bail of appellant no.2 (Chandradeo Burnwal) and 3 (Sonu Burnwal) is dismissed as withdrawn.

Heard the parties.

The appellants seek pre arrest bail in connection with Complaint Case No.711/C of 2016 registered for offences punishable under Sections 323, 307, 354B, 379, 120B of the Indian Penal Code and section 3(x) of SC/ST (Prevention of



Atrocities) Act.

Allegation against the appellants is of abusing the informant by taking caste name and they tried to strangulate her and also assaulted by fists and slaps.

Submission of the learned counsel for the appellants is that there is no specific allegation of abusing the informant by appellant no.1 and the other allegations are general and omnibus in nature and she is a lady. It is also submitted that the informant is in the habit of lodging such cases against the appellants at the instance of Advocate with whom, the appellant was working earlier as Advocate Clerk, which will appear from Annexure-2 of the petition.

Heard learned Special P.P. also, who has opposed the prayer for privilege of pre arrest bail.

Having heard both sides, so far prayer for privilege of pre arrest bail of appellant no.4 is concerned, I am not inclined to grant privilege of pre arrest bail.

As such the appeal with regard to appellant no.4 (Golu Burnwal @ Golu Kumar) is concerned, it is dismissed with liberty to the appellant no.4 to surrender before the learned Special Judge within a period of four weeks and make prayer for regular bail, which will be considered without being prejudiced by the



order of this Court.

So far prayer for privilege of pre arrest bail of appellant no.1 is concerned, let the appellant no.1 (Lakshmi Kuamri) in the event of arrest or surrender before the court of Special Judge within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 Addl. Sessions Judge 1st (Special Judge), Jamui in connection with Complaint Case No.711C/16, subject to conditions as laid down under Section 438 (2) of Cr.P.C., after setting aside the order dated 23.5.2017 passed in A.B.P.No.392 of 2017 by learned Addl. Sessions Judge 1st (Special Judge), Jamui, subject to further conditions that appellant will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which her bail bond shall be liable to be cancelled.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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