

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2238 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

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1. Santosh Kumar Son of Shivajee Prasad, R/o Village- Badharwa, P.S.- Dhaka, District- East Champaran. At present resident of Jeevan International School, P.S.- Motihari Town, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-08-2017 The appellant seeks pre arrest bail in connection with SC/ST P.S. Case No. 93 of 2016, registered for offences punishable under Sections 147, 148, 149, 341, 323, 379 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(iv)(v) of SC/ST (POA) Act.

Appellant is a teacher of Jeeval International School and allegation against the appellant that he along with other forty to fifty persons came to the hostel of the informant and abused him by caste name and also assaulted him by fists and slaps and it is also alleged that appellant and others beaten other students also.

It has been submitted on behalf of the appellant that in fact earlier the informant and other students of hostel used to tease



the girls of the Jeevan International School, for which a case has also been lodged by the defence side and when the appellant protested and warned them for doing such act, the informant has filed this present false and concocted case against the appellant. it has also been submitted that from perusal of the F.I.R, itself it will appear that no specific allegation has been made against the appellant and the present case has been filed after two days.

Heard learned Special P.P. also.

Having heard both sides, in view of the facts and circumstances and also in view of the submissions as made above, this appeal is allowed, let the appellant above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran, in connection with SC/ST P.S. Case No. 93 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is further subject to the condition that:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The appellant shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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