

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2709 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -ASAWAN District- SIWAN

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1. Vidya Sagar Chauhan son of Ram Sakal Chauhan
2. Anita Devi wife of Manjay Chauhan
3. Saroj Devi wife of Vidya Sagar Chauhan

All residents of village Khardara Noniya Tola, P.S. Assaon, District
Siwan

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-09-2017 Heard the parties.

The appellants seek pre arrest bail in connection with Asaon P.S.Case No.36 of 2017, registered for offences punishable under Sections 341, 323, 504, 354(a)(b), 379, 427 and 34 of the Indian Penal Code and section (iii)(i)w)-(i)(ii) of SC/ST (Prevention of Atrocities) Act.

Allegation, as per FIR, against the appellant no.1 is of abusing by taking caste name and also spitting on the face of the informant. So far appellant nos.2 and 3 are concerned, there is general and omnibus allegation against them.

Submission of the learned counsel for the appellants is that appellant nos. 2 and 3 are ladies and no specific allegation even of abuse is against them.



Heard learned Special P.P. also.

Having heard both sides, appellant no.1 (Vidya Sagar Chauhan) is concerned, let the appellant no.1 surrender before the court of Special Judge within a period of six weeks from the date of receipt/production of a copy of this order and make prayer for regular bail, which will be considered by the learned Special Judge on his own merit without being prejudiced by the order of this Court.

So far appellant no.2 (Anita Devi) and 3 (Saroj Devi) are concerned,

Let the appellant nos. 2 and 3, above named, on surrender within six weeks, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Siwan in connection with A.B.P. No.1129 of 2017 arising out of Asaon P.S.Case No.36 of 2017, after setting aside order dated 11.8.2017 passed by the learned 1st Additional Sessions Judge, Siwan in A.B.P.No.1129 of 2017 arising out of Asaon P.S.Case No.36 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or



tamper with the evidence.

(iii) The appellants shall co-operate in the disposal of trial and make herself available as and when required by the court concerned and on the event of failure on her part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of her bail bond.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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