

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2657 of 2017

Arising Out of PS.Case No. -88 Year- 2017 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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1. Md. Aslam @ Sk. Aslam, Son of Sk. Makbul Hasan,
2. Sk. Haroon, Son of Late Barkat Sheikh, Both R/o Village- Kursi Barwa,
P.S.- Sikta, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-10-2017 Heard the parties.

The appellants seek pre arrest bail in Sikta P.S.Case
No.88 of 2017 registered for the offence under Sections 341,323,
426, 504,452/34 of the I.P.C. and Section 3(1) (R) of SC/ST
(POA) Act.

Allegation against the appellants is of abusing the
informant by calling his caste name at his door and in his house.

Submission of the learned counsel for the appellants
is that the F.I.R. shows that the occurrence took place in the house
and not in public view. He further submits that there is case and
counter case between the parties and the parties are at inimical
term and no such occurrence took place.



Heard learned Special P.P. also who opposed the prayer.

Having heard both sides and in view of the allegation of abuse in the house and further there is case and counter case between the parties, the appeal is allowed. Let the appellants above named, in the event of their arrest or surrender before the court below within six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of the Special Judge, West Champaran at Bettia, in Sikta P.S.Case No.88 of 2017 subject to the conditions as laid down under Section 438(2) Cr.P.C. and that (1) one of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned court. (2) The appellants will not induce any witness or tamper with the evidence. (3) The appellants shall co-operate in disposal of investigation and make themselves available as and when required by the police. In the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reason, their bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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