

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2698 of 2017

Arising Out of PS.Case No. -143 Year- 2017 Thana -DIGHA District- PATNA

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1. Mithilendra Kumar
2. Satyendra Kumar Singh
3. Ashutosh Singh @ Ashutosh Kumar Singh @ Pappu @ Suresh Singh
All are sons of Late Akhileshwar Singh
All are residents of Nirala Nagar, P.S. Digha, District Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma

For the Respondent/s : Mr. Sri Sadanand Paswan

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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 Digha P.S.Case No.143 of 2017, registered for offences punishable under Sections 420 and 406 of the Indian Penal Code and section 3(s) of SC/ST (Prevention of Atrocities) Act and Section 138 of N.I. Act.

Allegation, as per FIR, against the appellant is that one agreement was executed by the informant but thereafter it is alleged that the appellants started tempering with the agreement, as such the informant refused to execute the sale-deed and further allegation is that appellants and five other accused persons have abused the appellants by taking caste name. Further allegation against the appellant no.2 and other two persons is of spitting on



his face.

Submission of the learned counsel for the appellants is that all the allegation is false and concocted and nothing has happened like that and there is a case and counter case between the parties.

Heard learned Special P.P. and the learned counsel for the informant. They have opposed the prayer for privilege of pre arrest bail on the ground that there is specific allegation against the appellant no.2 of spitting on the face of the informant.

In view of the above facts and circumstances, let the appellant no.1 (Mithilesh Kumar Singh) and appellant no.3 (Ashutosh Singh @ Ashutosh Kumar Singh @ Pappu @ Suresh Singh) named surrender within six months and on surrender 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 Additional District and Sessions Judge-II, Patna-cum-Spl. Court SC/ST Act, Patna in connection with Digha P.S.Case No.143 of 2017 dated 5.6.2017, after setting aside order dated 20.7.2017 passed by the learned Addl. District & Sessions Judge-II, Patna-cum-Spl. Court SC/ST Act, Patna in A.B.P.No.3619 of 2017.

So far prayer for bail of appellant no.2 (Satyendra



Kumar Singh) is concerned, I am not inclined to grant bail to him, as such let the appellant no.2 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.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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