

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2552 of 2017

Arising Out of PS.Case No. -143 Year- 2016 Thana -RAJAUN District- BANKA

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1. Shambhu Sah, Son of Late Ram Krishna Sah,
2. Pradeep Sah, Son of Tej Narayan Sah,
3. Mangal Sah, S/o Tej Narayan Sah, All resident of Village- Jagarnathpur,
Police Station- Rajoun, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2017 The appellants seek pre arrest bail in connection with Rajoun P.S. Case No. 143 of 2016, registered for offences punishable under Sections 341, 323, 307, 504, 379/34 of the Indian Penal Code and Section 3(1)(X) of SC/ST Act.

Allegation against the appellants is of assault to the informant, his son and his brother.

It has been submitted on behalf of the appellants that though allegation against appellant nos. 1 and 2 is of assault to the informant and his son respectively, however, the injuries caused to them from said assault was found to be simple in nature except the injury caused to the brother of informant, namely, Fakul Rajak, which was inflicted by appellant no. 3. It has further been



submitted that no case under the above mentioned section of SC/ST Act is made out against as there is no allegation of abusing the informant by caste name.

Heard learned Special P.P. also.

Having heard both sides, so far appellant nos. 1 and 2 are concerned, considering the facts and circumstances of the case, nature of allegation, this appeal with regard to appellant nos. 1 and 2, is allowed, let the appellant nos. 1 and 2, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Banka, in connection with Rajoun P.S. Case No. 143 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants shall cooperate in the investigation and make themselves available as and when required by the police and on



the event of failure on their part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

So far appellant no. 3 is concerned, considering the fact that he assaulted the brother of informant and the injuries caused to him was found to be in simple in nature, as such, I am not inclined to grant the privilege of pre –arrest bail to appellant no. 3, the appeal with regard to appellant no. 3 is, accordingly, dismissed.

Accordingly this appeal is disposed of.

(Vinod Kumar Sinha, J)

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