

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2315 of 2017

Arising Out of PS.Case No. -331 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

=====

1. Shiv Nath Chaudhary, Son of Late Ram Naresh Chaudhary,
2. Pandiji Chaudhary @ Shivam Kumar Son of Shiv Nath Chaudhary, Both R/o Village- Harpur Alloith, P.S.- Musarigharari, Distt.- Samastipur.
3. Ganesh Chaudhary @ Saurabh Kumar Son of Late Triveni Jha, R/o Village- Raghunathpur Bela, P.S.- Samastipur (M), District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Mukesh Kumar No-1

For the Respondent/s : Mr. Sri Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-10-2017

Heard the parties.

The appellants seek pre arrest bail in connection with Muffasil P.S.Case No.331 of 2017 registered for offences punishable under Sections 323, 341, 354B, 504 and 506 of the Indian Penal Code and section 3(1)(r) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants, as per FIR, is that the appellant no.1 abused the informant by taking caste name and all the appellants also assaulted the informant and allegation against the appellant no.3 is of undressing the 'saree' of the mother of the informant.



Submissions of the learned counsel for the appellants is that there was some dispute between the informant with respect to rest of the dues, as such these false and concocted case have been lodged against them and no such occurrence has taken place.

Heard learned Special P.P. also, who has opposed the prayer for bail of the appellants on the ground of maintainability.

So far prayer for appellant no.1 (Shiv Nath Chaudhary) and appellant no.3 (Ganesh Chaudhary @ Saurab Kumar) are concerned that is not maintainable, as such let the appellant nos. 1 and 3 surrender before the court of learned Special Judge and make prayer for regular bail, which will be considered on its own merit without being prejudiced by the order of this Court.

So far appellant no.2 (Pandiji Chaudhary @ Shivam Kumar) is concerned, there is no allegation against him under SC/ST (Prevention of Atrocities) Act rather there is allegation of assault, which is general in nature, as such, let the appellant in the event of arrest or 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, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of Special Judge



Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Samastipur in connection with Samastipur (M) P.S.Case No.331 of 2017 subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 22.7.2017 passed by Specail Jdudge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Samastipur passed in A.B.P.No.1292 of 2017, subject to further conditions that appellatant will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which his bail bond shall be liable to be cancelled.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

