

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2869 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -CHAKAND District- GAYA

=====

1. Md. Mokim @ Mian, Son of Md. Shamim @ Shamim Miyan
2. Md. Chotu Mian @ Md. Aurangzeb @ Md. Chhotu, Son of Amin Miya
3. Md. Kallu Mian @ Md. Abidi, Son of Yunus Miya
4. Md. Sonu @ Md. Hasnain, Son of Salauddin Miya
5. Md. Haseeb @ Md. Habib @ Md. Hasib Mian, Son of Amin Miya
6. Md. Tanvir @ Tanweer Mian Son of Salauddin Miya All resident of Village- Dumari, P.S.- Chakand, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajesh Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-11-2017 Heard learned counsel for the appellants.

The appellants seek pre-arrest bail in connection with Chakand P.S. Case No. 98 of 2017, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 354, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 03.08.2017 passed by the Special Judge, SC/ST Act, Aurangabad.

Allegation against the appellants as per FIR is that the co-accused persons have misbehaved with the daughter of the informant and when she went to make complaints about the same,



the accused persons assaulted her and also abused her by taking her caste name.

Submission of learned counsel for the appellants is that nothing specific has been attributed against them and there is no specific allegation of abuse or assault against these appellants.

Heard learned Special P.P.

Having heard both sides and in view of facts and circumstances, this appeal is allowed and impugned order is set aside, let the appellants, above named, 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 Chief Judicial Magistrate, Gaya in connection with Chakand P.S. Case No. 98 of 2017, subject to the conditions as follows:

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.
- (2) The appellants shall cooperate in the investigation and make himself available as and when required by the police and on the



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

(Vinod Kumar Sinha, J)

ajay gupta/-

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

