

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2747 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -JAMHORA District- AURANGABAD

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1. Chhotu Choubey, son of Gokhulanand Choubey
 2. Pappu Choubey, son of Gokhulanand Choubey
 3. Vijay Choubey, son of Dharamdeo Choubey
 4. Madhusudan Gupta, son of Late Parikhan Sao
 5. Ajay Choubey, son of Late Nand Kishor Choubey, all residents of village Mahathu, P.S. Jamhore, District Aurangabad

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sheo Jee Mishra

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-09-2017 Heard learned counsel for the appellants and learned Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Jamhore P.S.Case No. 52 of 2017 registered for the offences punishable under Sections 147, 148, 447, 341, 323, 504, 506, 354 of the Indian Penal Code and 3(i)/ 3(i)(v)/ 3(i)(2)/ 3(1)(w)/ 3(ii)(va) of SC/ST Act and for setting aside the order dated 30.8.2017 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad.

Allegation against the appellants is that they tried to dispossess the informant from the land. Further allegation against appellant No.2 is of threatening to set the house on fire and there



is allegation against appellant No.4 is of outraging modesty of informant.

Submission of learned counsel for the appellants is that the informant is in habit of filing false case against villagers and others and there is allegation against informant of demand of levy from the appellants and for not fulfilling the demand the false case has been filed against them and there is case and counter case between the parties.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellants stating that they tried to dispossess the informant from the house.

Having heard both sides and in view of allegation, prayer for pre-arrest bail of appellants Nos. 2 and 4 is rejected. They should surrender and pray for regular bail, which shall be considered on its own merit without being prejudiced by this order.

So far appellants Nos. 1 and 3 are concerned, let them surrender within six weeks and on their so surrendering they shall 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 the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Aurangabad, in connection with



Jamhore P.S. Case No. 52 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned,
- (2) Appellants will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which the prosecution will be at liberty to move for cancellation of their bail bonds.

The appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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