

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2932 of 2017

Arising Out of PS.Case No. -161 Year- 2017 Thana -KATEYA District- GOPALGANJ

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1. Indrajeet Sharma,
2. Ramu Kumar Sharma @ Rama Shankar @ Ramu Sharma Both are S/o-
Mahattam Sharma.
3. Moti Devi W/o Mahattam Sharma,
4. Malti Devi W/o- Chhote Lal Sharma,
5. Rita Devi W/o Indrajeet Sharma,
6. Sweta Kumari D/o Chhote Lal Sharma, All are resident of Village-
Gopalganj, P.S. Kateya, District Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mohammad Sufyan

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-10-2017 Learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail of appellant no.2 (Ramu Kumar Sharma @ Rama Shankar @ Ramu Sharma)), as he has been arrested during the pendency of the case.

Prayer is allowed and the same is dismissed as
withdraw in respect of appellant no.2.

Heard the parties.

The appellants seek *pre arrest bail* in connection with
Kateya P.S.Case No.161 of 2017 registered for offences
punishable under Sections 341, 323, 307 & 504/34 of the Indian



Penal Code and Section 3(i) (x) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant nos. 1 and 3 to 6 is that they used abusive language and also assaulted the informant by *lathi* and *rod*.

Submission of the learned counsel for the appellants is that there is no allegation of using abusive language by taking caste name. So far allegation of assault is concerned that is general in nature. Further, appellant nos.3 to 6 are ladies.

Heard learned Special P.P. also.

Having considered both sides and in view of submission, this appeal is allowed in respect of appellant nos.1 and 3 to 6.

Let the appellant nos.1 (Indrajeet Sharma), 3. Moti Devi, 4. Malti Devi, 5. Rita Devi and 6. Sweta Kumari 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) each with two sureties of the like amount each to the satisfaction of Addl. District & Sessions Judge- Ist-cum-Special Judge, Gopalganj in connection with A.B.P.No.1338 of 2017 arising out of Kateya



P.S.Case No.161 of 2017 subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 1.9.2017 passed by Addl. District &Sessions Judge- Ist-cum-Special Judge, Gopalganj in A.B.P.No.1338 of 2017 arising out of Kateya P.S.Case No.161 of 2017, subject to further conditions that appellants will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which their bail bond shall be liable to be cancelled.

With the above observation, this appeal is allowed.

(Vinod Kumar Sinha, J)

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