

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3195 of 2017

Arising Out of PS.Case No. -261 Year- 2017 Thana -BELAGANJ District- GAYA

- =====
1. Sanjiv Kumar
 2. Satish Yadav, both sons of Dinesh Yadav.
 3. Dinesh Yadav
 4. Ganesh Yadav, both sons of Late Sukhdeo Yadav.
 5. Munni Devi, Wife of Satish Yadav
 6. Indu Devi, Wife of Ganesh Yadav.
 7. Pushpa Kumari @ Pushpu Kumari, D/O Ganesh Yadav.
 8. Priyanka Kumari, D/O Ganesh Yadav.
- All are resident of Village – Sakir Bigha, Police Station – Belaganj,
District – Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-11-2017 The appellants are apprehending their arrest in connection with Belaganj P.S. Case No. 261 of 2017, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 379, 354, 504 and 506 of the Indian Penal Code and under Sections 3(i) (r) (s) (w) (i), 2 (v-A) of the SC/ST Act.

Allegation against the appellants is that the informant was constructing his house over the land and these appellants went there and stopped him and also allegation of abusing and assaulting the informant. There is specific allegation against appellant nos. 1, 2 and 4 of threatening and abusing the informant by caste name.



Heard learned Special PP also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Sections of SC/ST Act is made out against the appellants, as such, this appeal is not maintainable.

Let appellants no. 1, 2 and 4 namely Sanjiv Kumar, Satish Yadav and Ganesh Yadav are concerned they are directed to surrender before the Special Court and make prayer for regular bail and, if any, such application is filed, the Special Court after considering the submission of the learned counsel for the appellants, shall pass an appropriate order and dispose of the prayer for bail of the appellants preferably on the same day, without being prejudiced by the order of this Court.

So far as the case of other appellants is concerned, considering the facts and circumstances of the case, nature of offence and also that appellants have no criminal antecedent and only general and omnibus allegation has been leveled against them, as such, this appeal is allowed and impugned order is set aside, let the appellants no. 3, 5, 6, 7 and 8 namely Dinesh Yadav, Munni Devi, Indu Devi, Pushpa Kumari @ Pushpu Kumari and Priyanka Kumar, 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 bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Gaya in connection with Belaganj P.S. Case No. 261 of 2017, 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 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.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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