

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3117 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -ALINAGAR District- DARBHANGA

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1. Baidnath Sahu @ Baidyanath Sah, S/o Late Raghuni Sah
2. Hiran Devi, W/o Baidnath sahu.
3. Jagarnath Sahu @ Jagarnath Sah, S/o Late Raghuni Sah.
4. Rekha Devi, W/o Jagarnath Sahu. All Nos. 1 to 4 are residents of Village-
Milki Tola, Police Station-Ainagar, District-Darbhanga.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Prasad
For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-11-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Alinagar P.S.Case No. 43 of 2017 registered for the offences punishable under Sections 447, 341, 323, 324, 504/34 of the Indian Penal Code and 3(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 10.8.2017 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Darbhanga.

Allegation against the appellants is of assaulting the informant and causing severe injuries to him.

Submission of learned counsel for the appellants is that on the basis of contents of FIR no case is made out under SC/ST



Act against the appellants and so far injuries are concerned, they are simple in nature, which is Annexure-3 series. It is also submitted that there is case and counter case between the parties and there is admitted land dispute.

Heard learned Special P.P.

Having heard both sides and considering the facts and circumstances of the case, the appeal is allowed and the impugned order is set aside.

Let appellants, above named, surrender within a period of 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 In-charge, Additional Sessions Judge-cum-Special Judge, SC/ST Act, Darbhanga, in connection with Alinagar P.S.Case No. 43 of 2017, G.R.No. 79 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and further conditions are as follows :

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (2) Appellants will co-operate in investigation of the case and appear before the



Investigating Officer as and when required,
failing which their bail bonds shall be
cancelled.

(Vinod Kumar Sinha, J)

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