

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3236 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -SC/ST District- BANKA

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1. Pradeep Pandey, Son of Late Narendra Pandey.
2. Badal Devi, wife of Pradeep Pandey. Both Residents of Village- Rutpai,
P.S.- Shambhuganj, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Indeshwari Prasad Mandal

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-11-2017 Heard learned counsel for the appellants.

The appellants seek pre-arrest bail in connection with S.C./S.T. Banka P.S. Case No. 34 of 2017, registered for the offences punishable under Sections 406, 420, 504, 506, 34 of the Indian Penal Code and Section 3(i)(w) of the Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 09.10.2017 passed by the Chief Judicial Magistrate, Banka.

Allegation against the appellants is that they have abused the informant by taking caste name and they were not ready to execute the sale deed.

Submission of learned counsel for the appellants is that a title suit is going on between the parties with respect to



specific performance of contract and so far as the allegation of abuse is concerned no words of any accused is mentioned in the F.I.R. There is general and omnibus allegation against them.

Heard learned Special P.P. also.

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) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with S.C./S.T. Banka P.S. Case No. 34 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 court concerned.
- (2) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without



showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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