

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3260 of 2017

Arising Out of PS.Case No. -348 Year- 2017 Thana -MANIHARI District- KATIHAR

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1. Dewa Yadav, Son of Sadhu Yadav,
2. Pintu Yadav, Son of Deva Yadav,
3. Neelam Devi, Wife of Deva Yadav,
4. Pinki Kumari, Daughter of Deva Yadav, All resident of Village- Burhia
Tikar, Dhuriahi, P.S.- Manihari, District- Katihar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-11-2017 The appellants seek pre arrest bail in connection with Manihari P.S. Case No. 348 of 2017, registered for offences punishable under Sections 341, 323, 504, 307 and 354A of the Indian Penal Code and Section 3(r)(s) of SC/ST Act.

Allegation against the appellants is that they came to the house of informant and abused her and further there is specific allegation against appellant no. 1 is that he assaulted the informant by means of sharp cutting weapon.

It has been submitted on behalf of the appellants that out and out false and fabricated case has been lodged and no such occurrence has taken place and though there is allegation against appellant no. 1 of assault by sharp edged weapon, however,



nature of injury shows that it has been inflicted by hard and blunt substance and so far appellant nos. 2 to 4 are concerned no specific allegation has been made.

Heard learned Special P.P. also.

Having heard both sides, so far appellant nos. 2 to 4 are concerned, considering the facts and circumstances of the case, this appeal with regard to appellants nos. 2 to 4, is allowed, let the appellants nos. 2 to 4, 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) each with two sureties of the like amount each to the satisfaction of learned A.D.J. -1st cum Special Judge, Katihar, in connection with Manihari P.S. Case No. 348 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 their part two 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.

So far appellant no. 1, is concerned, it appears that there is direct allegation against him that he abused and assaulted the informant, as such, I am not inclined to grant the privilege of pre arrest bail to appellant no. 1, rather he should surrender and make prayer for regular bail in the special court and if any such application is filed, the special court shall dispose of the application of the appellant no. 1, on the basis of materials available on record, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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