

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2134 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Abhishekh Kumar Singh, Son of Shri Paras Singh,
2. Shravan Kumar Singh @ Sharvan Kumar Son of Rajesh Singh, Both R/o Village- Pratapur, P.S.- Husainganj, District- Siwan.
3. Rahul Nut @ Rahul Kumar Son of Samsuddin Nut, R/o Village- Tetaria, P.S.- Hussainganj, District- Siwan.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Yashraj Bardhan
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-08-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order dated 7.6.2017 passed in A.B.P. No. 763 of 2017, arising out of Hussainganj P.S.case No. 104 of 2017 registered under Sections 341, 342, 323, 504, 506/34 of the Indian Penal Code and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, by 1st Additional Sessions Judge, Siwan and for grant of pre-arrest bail to the appellants.

Allegation against the appellants is of assaulting son of the informant and further allegation is that when informant went to complain father of other accused persons he has been



abused by taking his caste name and they have assaulted him also.

It has been submitted on behalf of the appellants that there is no specific allegation against the appellants of abusing by taking caste name and there is allegation of assault but, as a matter of fact, scuffle took place between the appellants and son of the informant and behind the occurrence they have no intention and no offence under SC/ST Act is made out against them.

Learned Special P.P. could not controvert the above submission.

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

Let appellants, above named, surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order and on their so surrendering they shall be enlarged 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 Chief Judicial Magistrate, Siwan, in connection with Hussainganj P.S. Case No. 104 of 2017 subject to the conditions as laid down under Section 438(2) Cr.P.C. and further conditions that :-



- (i) one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) appellants shall co-operate in the investigation and make themselves available before the police as and when required and in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds,
- (iii) appellants will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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