

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1149 of 2017

Arising Out of PS.Case No. -157 Year- 2014 Thana -RAHIKA District- MADHUBANI

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1. Raju Yadav, Son of Bhola Yadav,
2. Sanjay Yadav, Son of Bhola Yadav,
3. Lallan Yadav @ Lalan Kumar Yadav, Son of Bhola Yadav,
4. Raj Kumar Yadav, Son of Sahu Yadav,
5. Bhola Yadav, Son of Sahu Yadav,
6. Dukhi Yadav, Son of Raj Kumar Yadav,
7. Bharat Yadav @ Bharat Kumar Yadav, Son of Raj Kumar Yadav,
8. Pappu Yadav, Son of Debu Yadav, All resident of Kamalpur, P.S. Rahika, District - Madhubani

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-06-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 21.7.2016 passed in A.B.P. No. 516 of 2016 by
Additional Sessions Judge-I, Madhubani, arising out of Rahika
P.S.Case No. 157 of 2014 registered for the offences under
Sections 147, 148, 149, 341, 323, 324, 379, 354A of the Indian
Penal Code and 3(x) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and for grant of pre-arrest bail to the
appellants.



Allegation against the appellants as per FIR is that they assaulted the informant and others and also they tried to undressed her.

It has been submitted on behalf of the appellants that from perusal of FIR it appears that no case is made out against the appellants except appellant No.3 Lallan Yadav and also on the merit of the case allegation of assault by farsa is against Pappu Yadav and Dukhi Yadav @ Debu Yadav and there is also allegation against appellant Lallan Yadav who tried to undressed the informant and so far other appellants are concerned, there is general allegation against them and no case is made out under the provisions of SC/ST Act.

Learned Special P.P. has opposed the prayer for pre-arrest bail to the appellants.

Having heard both sides and in view of allegation as made in the FIR, so far appellants Nos. 1, 2, 4, 5 and 7 are concerned, there is general and omnibus allegation and no specific allegation has been attributed against them, the appeal with respect to the aforesaid appellants is allowed and the impugned order is set aside with respect to them only and they are directed to surrender before the court below within a period of four weeks and on their so surrendering they will 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 1st Additional Sessions Judge, Madhubani, in connection with Rahika P.S.Case No. 157 of 2014, subject to the conditions that they will appear on each and every date fixed in the court below and co-operate in trial, failing which their bail bonds shall be cancelled.

So far appellant No.3 Lallan Yadav and appellant No.6 Dukhi Yadav and appellant No.8 Pappu Yadav are concerned, in view of allegation against them and also there is allegation of abusing the informant by taking her caste name against appellant Lallan Yadav, their prayer for pre-arrest bail is rejected. They are directed to surrender and make prayer for regular bail, which will be considered by the court below on its own merit, without being prejudiced by this order, preferably on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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