

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1739 of 2017

Arising Out of PS.Case No. -58 Year- 2016 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Mukesh Singh, S/o Raghu Singh, R/o Village- Bahasi Saidpur, P.S. Jandaha, District- Vaishali.
2. Hira Mahto, S/o Late Munna Mahto.
3. Rajendra Chaudhary, S/o Late Maheshwar Chaudhary, Both R/o Village- Bahasi Damodar, P.S. Jandaha, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rina Sinha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek pre arrest bail in connection with Jandaha P.S.Case No.58 of 2016, registered for offences punishable under Sections 341, 323,, 504, 307/34 of the Indian Penal Code and section of SC/ST (Prevention of Atrocities) Act and 27 of the Arms Act & Section 3 (i)(x) of S.C./S.T. (Prevention of Atrocities) Act.

Submission of the learned counsel for the appellants is that so far appellant nos. 2 & 3 are concerned, there is no allegation of abusing the informant rather there is allegation of assault on the informant by 'rod' but the injury (annexure-2) does not show any injury except a complain of pain and so far appellant no.1 is concerned though there is allegation against him of



abusing and firing but he has been falsely implicated in this case.

Heard learned Special P.P. also, who has opposed the prayer for pre arrest bail of the appellants but he could not draw my attention towards any fact showing that the provisions of S.C. & S.C. (Prevention of Atrocities) Act is made out against appellant no.2 & 3.

Having heard both sides and in view of the facts and circumstances, let appellant No.2 (Hira Mahto) and appellant no.3 (Rajendra Chaudhary) in the event of arrest or surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Learned Additional Sessions Judge-I, Vaishali at Hajipur in connection with Patna A.B.P.No.263 of 2017 arising out of Jandaha P.S.Case No.58 of 2016, subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 3.4.2017 passed by the Additional Sessions Judge-I, Vaishali at Hajipur in A.B.P.No.263 of 2017 arising out of Jandaha P.S.Case No.58 of 2016.

So far appellant no.1 (Mukesh Singh) is concerned, there is no *prima facie* allegation against him, as such, this appeal is not



maintainable.

Let appellant no.1 (Mukesh Singh) surrender before the court of Special Judge and make prayer for regular bail, which will be considered by the learned Special Judge without being prejudiced by the order of this Court.

With the above direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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