

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2022 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -SC/ST District- GAYA

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1. Sudamia Devi, W/o Bhola Yadav,
2. Bhola Yadav Son of Late Ganu Yadav,
3. Parmod Yadav
4. Vijay Yadav Both Sons of Bhola Yadav, All Resident of Village-
Domchua, P.s.- Barachatti, District- Gaya.
5. Rajesh Yadav @ Rajesh Kumar, Son of Lila Yadav, Resident of Village-
Pokhariya, P.s.- Barachatti, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Nikhil

Mr. Ravi Kumar

Mr. Gautam Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-07-2017 The appellants seeks pre arrest bail in connection with

SC/ST (Gaya) P.S. Case No. 10 of 2017, registered for offences

punishable under Sections 341, 323, 354, 379, 504, 506/34 of the

Indian Penal Code and Sections 3(1)(r)(s)(2)(1)(2)(va) of the

SC/ST Act.

Allegation against the appellants that they have assaulted

the informant, who is a lady and further allegation that they

abused the informant.

It has been submitted on behalf of the appellants that only

general and omnibus allegations have been levelled against the



appellant on the backdrop of election dispute and no offence under the above mentioned section of SC/ST Act is made out. Further appellant. no. 1 lady and against her no allegation has been made.

Heard learned special P.P.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellant nos. 2 to 5, as such, this appeal so far appellant nos. 2 to 5 is concerned, is not maintainable.

Let appellant nos. 2 to 5 surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

So far appellant no. 1, namely, Sudamia Devi is concerned, considering the fact that no allegation has been attributed to her, as such, this appeal, so far appellant no. 1, namely, Sudamia Devi, is concerned, is allowed, let the appellant no. 1, namely, Sudamia Devi, in the event of her arrest or surrender before 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 bond of Rs. 25,000 (Rs. Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya in connection with SC/ST (Gaya) P.S. Case No. 10 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make herself available as and when required by the police and on the event of failure on her part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of her bail bonds.

(Vinod Kumar Sinha, J)

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