

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2358 of 2017

Arising Out of PS.Case No. -428 Year- 2017 Thana -BODHGAYA District- GAYA

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1. Jhulan Sao, Son of Bachan Sao,
2. Bachan Sao Son of Late Sukhlal Sao,
3. Prabha Devi W/o Bachan Sao,
4. Ajay Sao Son of Bachan Sao, All R/o Village- Dhandhwa, P.S.- Bodh
Gaya, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad Sinha
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-08-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The appellants are apprehending their arrest in connection with Bodh Gaya P.S.Case no. 428 of 2017 registered under Sections 448, 341, 354(A),504, 337 and 379/34 of the Indian Penal Code and 3(1) of SC/ST Act, pending in the court of Special Judge, SC/ST,Gaya.

At the very outset learned counsel for the appellants has submitted that during the pendency of this appeal, appellant nos. 1 and 4, namely, Jhulan Sao and Ajay Sao, have been arrested and as such he is not pressing bail application made on their behalf. Accordingly, the prayer for anticipatory bail on their behalf is



dismissed as not pressed.

The allegation against appellant nos. 2 and 3, namely, Bachan Sao and Prabha Devi, is that they along with other accused persons abused the informant by taking her caste name and also assaulted her.

Submission of the learned counsel for appellant nos. 2 and 3 is that there is no allegation of abusing the informant by taking her caste name even the allegation of abusing is inside the house of the informant. Further there is general and omnibus allegation against them.

Heard Special P.P., who has opposed pre arrest bail of the appellant nos. 2 and 3.

Having heard both the sides and in view of the facts and circumstances of the case, this appeal is allowed and the impugned order dated 01.08.2017 passed by Special Judge SC/ST Act,Gaya, is hereby set aside.

Let the above named appellant nos. 2 and 3, in the event of their arrest/surrender in the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/-(twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST,Gaya, in Bodh Gaya P.S.Case No. 428 of 2017,subject to



the conditions as laid down u/s 438(2) Cr.P.C., subject to the condition that one of the bailors should be a local person having sufficient immovable properties within the jurisdiction of the court and the appellant nos. 2 and 3 will co-operate in the investigation.

(Vinod Kumar Sinha, J)

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