

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2916 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -KHUDWAN District- AURANGABAD

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1. Bhola Choudhary S/o Late Surendra Choudhary,
2. Sudarshan Choudhary S/o Ramchandra Choudhary,
3. Nitsh Choudhary @ Nitish Kumar, S/o Bishwakarma Choudhary,
4. Dilip Choudhary, D/o Nandu Choudhary,
All Four R/o Village- Khudwan, P.S.- Khudwan, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-11-2017 The learned counsel for appellants is permitted to make
necessary correction in the prayer portion.

As prayed for, prayer is allowed.

Heard learned counsel for the appellants.

The appellants seek pre-arrest bail in connection with
Khudwan P.S. Case No. 38 of 2017, registered for the offences
punishable under Sections 147, 148, 149, 341,323, 354, 379, 504,
506 of the Indian Penal Code and Section 3(1)(r)
/3(1)(S)3(1)(w)(1)3(2)(Va) Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act and for setting aside the
impugned order dated 29.08.2017 passed by the Special Judge,
SC/ST Act, Aurangabad.



Allegation against the appellants is of abusing the informant by his caste name and also of assault.

Submission of learned counsel for the appellants is that there is general and omnibus allegation against seven accused persons and 10-15 unknown accused persons and they have been made accused in this case and no specific allegation of assault or abuse by caste name is attributed against the appellants.

Heard learned Special P.P.

Having heard both sides and in view of facts and circumstances, this appeal is allowed and impugned order is set aside, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of six 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 Special Judge, SC/ST Act, Aurangabad in connection with Khudwan P.S. Case No. 38 of 2017, subject to the conditions as follows:

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.
- (2) The appellants shall cooperate in the



investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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