

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2524 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

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1. Kanhaiya Sah, S/o Tribani Sah.
2. Tribani Sah, S/o Late Deodhari Sah, All r/o Sagar Matiya, P.S. Pipra,
Dist.- E. Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhannjay Kumar No 2, Advocate

For the Respondent/s : Mr. Binay Krishna, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-10-2017 At the outset, learned counsel for the appellants

submits that as the appellant no.1 has already been arrested, he

seeks permission to withdraw this appeal against him as having

become infructuous.

Permission is accorded.

The appeal against appellant no.1 is, accordingly,

dismissed as withdrawn.

Heard the parties.

The appellant no.2 seeks pre arrest bail in SC/ST

Motihari P.S. Case No.77 of 2017 registered for the offence under

Sections 341, 342,,323, 379, 504/34 of the I.P.C. and Section

3(i)(a)(r) (s) of SC/ST(POA) Act.



Allegation against the appellant no.2 is that the appellant including other co-accused persons came on the field where the informant was grazing her goat and one co-accused Mukesh Sah abused her by caste name and also assaulted her.

Submission of the learned counsel for the appellant no.2 is that there is no allegation of abusing the informant by her caste name by the appellant no.2.

Heard learned Special P.P. also. who could not controvert the submission.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal against appellant no.2 is allowed. Let the appellant no.2, above named, in the event of his arrest or surrender before the court below within six weeks from today be enlarged on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of 1st A.D.J.-cum-Special Judge SC/ST (POA) Act, East Champaran, Motihari, in SC/ST Motihari P.S. Case No.77 of 2017 subject to the conditions as laid down under Section 438(2) of Cr.P.C. and that (1) one of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court. (2) The appellant will not induce any witness or tamper with the evidence. (3) The appellant shall co-operate in



disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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