

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.608 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -AMARPUR District- BANKA

- =====
1. Sanjay Paswan, son of Late Chunchun Paswan
 2. Bedanand Das, son of Siyaram Das
 3. Fantus Tiwari @ Nirmal Kumar Tiwary, son of Late lal Mohan Tiwary
 4. Prafful Kumar Tiwary , son of Late Satish Tiwary
 5. Phool Kumar Tiwary @ Gandhi Tiwari, son of Naresh Tiwary
 6. Babu Tiwari @ Baboo Tiwari, son of Late Devo Tiwary
 7. Tinu Tiwari @ Tutu Tiwary @ Tiku Tiwari, son of Late Devo Tiwary
 8. Ashutosh Tiwari @ Santosh Kumar Tiwary, son of Late Gaurang Tiwary
 9. Ram Dular Tiwari, son of Bihari Sharan Tiwary
 10. Raushan Tiwari @ Raushan Kumar Tiwari, son of Madan Tiwary, all are residents of village Kamdeopur, P.S. Amarpur, District Banka
 11. Mukesh Mishra, son of Arun Kr. Mishra, resident of Mohalla Tilkamanjhi, P.S. Barari, District Bhagalpur

.... Appellants

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad

For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 23-08-2017 This appeal has been filed for grant of pre-arrest bail in connection with Amarpur P.S.Case No. 162 of 2016 registered for the offences under Sections 147, 148, 448, 341, 323, 379 of the Indian Penal Code and 3(1)(x) of SC/ST Act.

Allegation against the appellants is of intimidating and assaulting the informant.

Submission of learned counsel for the appellants is that appellants Nos. 1 and 2 are members of scheduled caste, as such, provision of SC/ST Act cannot be attracted against them. So far



other appellants are concerned, it has been submitted that there is general and omnibus allegation against them and there is case and counter case between the parties and they have falsely been implicated in this case.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail.

Having heard both sides and in view of facts and circumstances, let appellants Nos. 1 and 2, named above, surrender in the court below within a period of four weeks and on their so surrendering, they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Amarapur P.S. Case No. 162 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition is that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned and they will co-operate in investigation.

So far appellants Nos. 3 to 11 are concerned, they should surrender and pray for regular bail before the court below within six weeks, which shall be considered on the basis of submission made above, preferably on the same day, without being prejudiced



by this order.

Accordingly, the appeal is disposed of.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

