

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2515 of 2017

Arising Out of PS.Case No. -95 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Ganga Ram, son of Late Ramavtar Ram
2. Kusheshwar Ram, Son of Late Ramavtar Ram
3. Shankar Ram, Son of Kusheshwar Ram
4. Raja Kumar, Son of Dilip Ram, All Resident of Village- Bibhutipur, P.S.-
Bibhutipur, District- Samastipur.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Pandey
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-08-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Bibhutipur P.S.Case No. 95 of 2017 registered under Sections 147, 148, 447, 448, 341, 323, 325, 452, 354, 379, 380 of the Indian Penal Code and 3(i)(r)(s)(w) of SC/ST Act, including 3/4 of Dayan Act and for setting aside the impugned order dated 20.7.2017 passed by Special Judge, SC/ST Act, Samastipur.

Allegation against the appellants is that they have abused the informant by taking his caste name.

Submission of learned counsel for the appellants is that



the appellants belong to SC/ST community and prior to the present case a case has been lodged against the informant and his family members by Shankar Ram (appellant No.3) for outraging modesty of his sister by brother of the informant and, as such, the present false and concocted case has been filed against the appellants.

Learned Special P.P., who could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, the appeal is allowed and the impugned order is set aside.

Let appellants, above named, surrender before the court of Special Judge within 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 Special Judge, SC/ST Act, Samastipur, in connection with Bibhutipur P.S. Case No. 95 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned, they shall co-operate in investigation of the case and appear before the Investigating Officer as and when required,



failing which their bail bonds shall be cancelled and they will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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