

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1906 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -PANCHRUKHI District- SIWAN

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1. Rajaram Sah, son of Late Hira Lal Sah
 2. Ajit Kumar, son of Sri Rajaram Sah
 3. Shamma @ Sama Sah, son of Sri Rama Ji Sah
 4. Shom Nath Sah, son of Sri Devnath Sah
 5. Binod Singh @ Binod Kr. Singh, son of Sri Birender Singh
 6. Munna Sah, son of Sri Shiv Ji Sah
 7. Santu alias Santhu Singh, son of Sri Baban Bihari Singh
 8. Santosh Sah, son of late Gaya Sah
 9. Krishan Nand Yadav @ Krishna Nand Yadav, son of Sri Chandrika Yadav
 10. Paspati Singh, son of Sri Shiv Ji Singh
 11. Kamruddin Sai @ Kamaruddin, son of Usha Sai All residence of village Champ Tola Teghra, P.S. Sarai O.P., District Siwan
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ram Suresh Rai, Sr.Advocate with
Mr. Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order dated 20.6.2017 passed by 1st Additional Sessions Judge, Siwan, in ABP No. 861 of 2017, arising out of Pachrukhi (Sarai) P.S.case No. 107 of 2017 registered under Sections 147, 148, 149, 323, 324, 307, 332, 333, 379, 353, 427, 504 of the Indian Penal Code and 3(1)(r), 3(2) Va of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation as per FIR is that while the informant,



Choukid and other Choukidars went to dispose of dead body in certain place upon which appellants protested and assaulted them and abusing the informant by taking his caste name.

It has been submitted on behalf of the appellants that earlier also prior to the present occurrence the villagers filed a representation before the Superintendent of Police against the disposing of dead bodies in village and they have also protested but in spite of that another dead body was disposed of in the village which was also protested by the villagers, including the appellants. It has also been submitted that injuries are simple in nature.

Learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants.

Having heard both sides and in view of facts and circumstances and also considering the fact that he abused the informant by taking his caste name, I am not inclined to grant pre-arrest bail to appellant No.1, as such, he may surrender in court below within six weeks and make prayer for regular bail, which shall be considered by the Special Judge on its own merit, without being prejudiced by this order.

So far appellants Nos. 2 to 11 are concerned, considering the fact that injuries are simple in nature and there is no allegation against them of abusing by taking caste name, let the appellants, named above, surrender within four weeks and on their



so surrendering, they will 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 1st Additional Sessions Judge, Siwan, in connection with Pachrukhi (Sarai) P.S.Case No. 107 of 2017, subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, they will co-operate in investigation of the case and make themselves available as and when required by the Investigating Officer and on the event of failure on their part to appear before him on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail and further they will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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