

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2991 of 2017**

Arising Out of PS.Case No. -38 Year- 2017 Thana -MASRAKH District- SARAN

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1. Mintu Kumar, Son of Dileshwar Das,  
2. Jai Prakash Rai @ Om Prakash Kumar Son of Govardhan Rai, Both R/o  
Village- Hanshapir, P.S.- Mashrakh, District- Saran.

.... .... Appellants

Versus

The State of Bihar

.... .... Respondent

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**Appearance :**

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Smt Usha Kumari No-1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      21-11-2017                      At the very outset learned counsel for the appellants has submitted that appellant No.2, Jai Prakash Rai, has been arrested during pendency of this appeal.

In view of above, this appeal is dismissed with respect to appellant No.2 as being infructuous.

Heard learned counsel for the appellant.

This appeal has been filed for grant of pre-arrest bail in connection with Mashrakh P.S.Case No. 38 of 2017 registered for the offences punishable under Sections 341, 323, 379, 384, 504, 506 of the Indian Penal Code and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 3.8.2017 passed by Additional Sessions Judge-I, Saran, Chapra.



Allegation against appellant is that he demanded money from the informant, who happens to be a police personnel for taking toddy and on protest he assaulted him also.

Submission of learned counsel for the appellant is that whole prosecution case is false and concocted and as a matter of fact appellant went to lodge a case against informant but the same could not be filed because the informant was police personnel and later on he lodged a complaint case against him.

Heard learned Special P.P.

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

Let appellant No.1, Mintu Kumar, surrender within a period of six weeks and on his so surrendering he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Saran, Chapra, in connection with Mashrakh P.S.Case No. 38 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and on further conditions as follows :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties



within the jurisdiction of court concerned,

(2) Appellant will co-operate in investigation of the case and appear before the Investigation Officer as and when required, failing which his bail bond shall be cancelled.

**(Vinod Kumar Sinha, J)**

spal/-

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