

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3089 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Pradip Patel, son of Bidhi Patel
2. Rakesh Patel @ Rakesh Kumar, son of Rameshwar Patel
3. Manoj Patel, son of Hari Patel
4. Bidhi Patel, son of Late Mangal Patel
5. Dilip Patel, son of Raja Patel
6. Chandeshwar Patel, son of Late Darewar Patel
7. Sidhi Patel, son of Late Mangal Patel
8. Jaga Patel, son of Late Raj Kumar
9. Sanjiv Patel, son of Chandeshwar Patel
10. Pappu Patel @ Papu Patel, son of Jaga Patel
11. Guddu Kumar, son of Singhashan Patel
12. Pramod Raut @ Tun Tun Patel, son of Ramagya Patel
13. Rameshwar Patel, son of Ramagya Patel, all residents of village Barwa
kala Tola Kachahariya, P.S. Ghorasahan, District East Champaran

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.
For the informant : Mr. U.S. Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Ghorasahan P.S. Case No. 254 of 2016, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 447, 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 4.9.2017 passed by Additional Sessions Judge-I-cum-Special



Judge, East Champaran, Motihari.

Allegation against the appellants is of committing theft in the house of informant and assaulting him.

Submission of learned counsel for the appellants is that there is case and counter case between the parties and no specific allegation of abuse has been attributed against any of the appellants, rather the same is general and omnibus against all the accused persons and so far assault is concerned, there is no specific allegation except appellant No.1, Pradip Patel.

Heard learned Special P.P. and learned counsel for the informant. They have opposed the prayer for pre-arrest bail of the appellants on the ground that there is specific allegation against appellant No.1.

Having heard both sides and in view of the facts and circumstances, let the appellants, except appellant No.1, named above, surrender in the court of Special Judge within a period of six 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 Additional Sessions Judge-I-cum-Special Judge, East Champaran, Motihari, in connection with Ghorasan P.S. Case No. 254 of 2016, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and 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) Appellants shall co-operate in investigation of the case and appear before the Investigating Officer as and when required and on failure to appear on two consecutive occasions without any genuine reason, their bail bonds shall be cancelled.

So far appellant No.1, Pradip Patel is concerned, he should surrender and make prayer for regular bail, which shall be considered on its own merit.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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