

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3087 of 2017

Arising Out of PS.Case No. -179 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Mahanth Yadav, son of Late Baldev Yadav, resident of village Siswa, P.S.
Shikarpur, District West Champaran

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

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

This appeal has been filed for grant of pre-arrest bail in connection with Shikarpur P.S. Case No. 179 of 2017, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 379, 504 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 29.8.2017 passed by Additional District & Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah.

Allegation against 14 accused persons, including the appellant is of abusing the informant by taking his caste name and assaulting him as also snatching of money and ornaments from him.

Submission of learned counsel for the appellant is that no



such occurrence has taken place and there is case and counter case between the parties and appellant has also received injury and so far allegation of taking away money is concerned, that same is general and omnibus against all 14 accused persons and no specific allegation is attributed against the appellant.

Heard learned Special P.P. also, who has opposed the prayer for pre-arrest bail of the appellant stating that this is a clear case of abusing by taking caste name.

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

Let appellant, above named, surrender within a period of six weeks before the court of Special Judge 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 Additional District and Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Shikarpur P.S.Case No. 179 of 2017, 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) Appellant 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, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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