

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1835 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -WARISNAGAR District- SAMASTIPUR

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1. Ram Snehi Choudhary,
2. Suresh Choudhary,
3. Dinesh Choudhary, All are Sons of Late Lakhan Lal Choudhary,
4. Sanjit Choudhary, Son of Suresh Choudhary, All are Resident of
Village- Manpur, P.S.- Khanpur, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-07-2017 The appellants seek pre arrest bail in connection with Warisnagar P.S. Case No. 23 of 2017, registered for offences punishable under Sections 447, 341, 323, 427, 506, 504/34 of the Indian Penal Code and section 3(i)(r)(s) of SC/ST Act.

Prosecution case is that informant is a watchman and was looking after the wheat field of his co-villagers and in the night of 23.01.2017, he saw appellants came variously armed and were sprinkling some chemical to destroy the crops and on protest, appellants assaulted the informant and abused him by taking his caste name.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case and only general and



omnibus allegation has been made and no specific allegation has been levelled against the appellants. Further though there is allegation against appellant no. 1 of abusing the informant by taking his caste name but that was in the night and in the field and not at any public place.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellant no. 1, namely, Ram Snehi Choudhary, as such, this appeal, so far appellant no. 1, namely, Ram Snehi Choudhary, is concerned, is not maintainable

So far other appellants ie. appellants Nos. 2 to 4 are concerned, there is no allegation against them of abusing the informant by taking his caste name and only general and omnibus allegation has been made, as such, this appeal with regard to appellant nos. 2 to 4 are allowed, let the appellant nos. 2 to 4, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Samastipur, in connection with Warisnagar P.S. Case



No. 23 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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