

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2561 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -KHIJARSARAI District- GAYA

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1. Shiv Shankar Prasad, son of Late Lala Mahto
 2. Ramanand Prasad, son of Late Mul Chand Mahto
 3. Ramasharay Prasad, son of Late Lakhan Mahto, all residents of village Baliyari, P.S. Khizersarai, District Gaya

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Akhileshwar Dayal, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-08-2017 Heard learned counsel for the appellants and learned Special P.P. for the State.

This appeal has been filed for grant of bail in connection with Khizersarai P.S.Case No. 36 of 2017 registered under Sections 341, 323, 504, 509, 307/34 of the Indian Penal Code and 3(i)(r)(s) of SC/ST Act and for setting aside the impugned order dated 7.8.2017 passed by Special Judge, SC/ST Act, Gaya.

Allegation against the appellants is that they have abused the informant by taking his caste name and also assaulted him.

Submission of learned counsel for the appellants is that against appellant No.1 there is no allegation of assault and allegation of assault is against appellants Nos. 2 and 3 but the injury on the person of informant is simple in nature, which is



evident from Annexure-3, and appellants are in custody since 12.7.2017.

Learned Special P.P. could not controvert the above submission.

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

Let appellants, above named, 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 Special Judge, SC/ST Act, Gaya in connection with Khizersarai P.S. Case No. 36 of 2017, subject to the conditions that one of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned and they shall co-operate in trial and appear on each and every date in court on the date fixed and on failure to appear without any genuine ground or without permission of court, their bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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