

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1622 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -SC/ST District- LAKHISARAI

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1. Neha Kumari, Daughter of- Ravindra Pandey.
2. Nutan Kumari, Daughter of- Late Ram Nath Pandey.
3. Subol Devi @ Subole Devi, Wife of- Late Ram Nath Pandey. All are resident of Village- Arma, P.S.- Kajra, District- Lakhisarai.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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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

3 07-07-2017 The appellants seek pre arrest bail in connection with Lakhisarai SC/ST P.S. Case No. 11 of 2017, registered for offences punishable under Sections 341, 323, 504, 448, and 506/34 of the Indian Penal Code and section 3(1)(r)(z)(VA) of SC/ST Act.

Allegation as per F.I.R against appellant no. 1 is that she abused the informant by taking her caste name and allegation against appellant no. 2 and 3 is of assault to the informant.

It has been submitted on behalf of the appellants that so far appellant no. 2 and 3 are concerned, no allegation attracting the provisions of SC/ST Act, has been levelled and the allegation of assault is only general and omnibus in nature and though there is



allegation against appellant no. 1 that she abused the informant by taking her caste name, same is also not true.

Heard learned Special P.P.

Having heard both sides, in view of the fact that only general and omnibus allegation has been levelled against appellant nos. 2 and 3 and no allegation attracting the penal provisions of SC/ST Act has been levelled against them, as such, the appeal so far appellant nos. 2 and 3 is concerned, is allowed, let the appellant nos. 2 and 3, 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 Additional District & Sessions Judge I, Lakhisarai, in connection with Lakhisarai SC/ST P.S. Case No. 11 of 2017, subject to the conditions laid down under Section 438 (2) of 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.

So far appellant no. 1, namely, Neha Kuamari, is concerned, considering the allegations levelled her, I am not inclined to grant, appellant no. 1, the privilege of pre-arrest bail rather let appellant no. 1, surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel with regard to appellant no. 1, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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