

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1762 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ajit Sah @ Ajit Kumar Sah Son of Kamal Sah, null
2. Madan Sah, Son of Kamal Sah,
3. Lalan Kumar Sah, Son of Lalan Prasad @ Lalan Sah
4. Bittu Kumar Sah, Son of Lalan Prasad @ Lalan Sah,
5. Chandan Sah, Son of Sheoji Sah
6. Ramkailash Sah, Son of Late Mohan Sah, All Resident of Village-Bela Baiju, P.S. Patahi, P.S. Patahi, District-East Champaran, Motihari

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

with

Criminal Appeal (SJ) No.1796 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramdarshan Prasad Sah @ Ramdarshan Sah Son of Late Mohan Sah, Resident of Village- Bela Baiju, P.S.- Patahi, District- East Champaran, Motihari.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

(In CR. APP (SJ) No.1762 of 2017)

For the Appellant/s : Mr. S.K. Jha

For the Respondent/s : Mr. Usha Kumari No-1

(In CR. APP (SJ) No.1796 of 2017)

For the Appellant/s : Mr. Devendra Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-07-2017 Since both the above mentioned appeals arise out of same P.S. Case No., they are clubbed together and are being decided by this common order, for the sake of convenience.

The appellants in both the above mentioned appeals seek



pre arrest bail in connection with Patahi P.S. Case No. 38 of 2017, registered for offences punishable under Sections 147, 148, 149, 323, 307, 379, 504 and 506 of the Indian Penal Code and Section 3/4 Prevention of Witch(Daain) Practice Act, and Section 3(i) (x) of SC/ST (POA) Act.

It has been submitted on behalf of the appellants that they have falsely been implicated in this case and there is nothing against the appellants to attract the penal provisions of SC/ST against the appellants. Further though there is allegation of assault but that is not against these appellants. It has also been submitted that there is case and counter case between the parties and after this occurrence, informant assaulted wife of one of the appellants, due to which, she died for that also a case has been lodged against the informant.

Learned Special P.P. opposed the prayer for bail, however, he could not draw the attention of this Court towards any specific allegations attributed to these appellants.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed, let the appellants, in both the above mentioned appeals, in the event of their arrest or surrender before the Court below, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five) each with two sureties of the like amount each to the satisfaction of



learned 1st Additional Sessions Judge –cum- Special Judge,
SC/ST(POA) Act, East Champaran at Motihari, in connection with
Patahi P.S. Case No. 38 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 appellant 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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