

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3170 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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Ajay Pathak @ Ajay Kumar Pathak, S/o Bishunpat Pathak, Resident of
Village – Neura, P.S. Kutumba, District – Aurangabad.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-11-2017 The appellant seeks pre arrest bail in connection with

Kutumba P.S. Case No. 103 of 2017, registered for offences
punishable under Sections 147, 149, 342, 323, 337, 307, 332, 353,
324 and 506 of the Indian Penal Code and Section 3(1) (r), 3(1)(s),
3(2)(v) of SC/ST Act.

Prosecution case is that police raided the village of one
Ranjit Yadav to arrest him and arrested him, thereafter, some
persons assemble and made scuffle with the police personnels and
also abused them by caste name and got the said Ranjit Yadav got
released from the clutches of the police.

It has been submitted on behalf of the appellant that he
has falsely been made accused in this case and he is a resident of
different village and the F.I.R itself shows that at the instance of
Dafadar, petitioner has been made accused in this case and no



specific allegation of assault has been levelled against the appellant and though it is alleged that petitioner abused the police party, however, no specific allegation of abuse has been disclosed.

Heard learned Special P.P.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and impugned order is set aside, let the appellant above named, in the event of his arrest or surrender before the court below within a period of six 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Aurangabad, in connection with Kutumba P.S. Case No. 103 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., this is further subject to the condition that:-

- (i) One of the bailors of the appellant 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 himself available as



and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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