

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1366 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -SC ST District- VAISHALI(HAJIPUR)

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1. Nageena Rai @ Nagina Rai Son of Late Chulha Rai
2. Vidya Nand Kumar Son of Sri Tapeswar Rai All are residents of Village - Basra, P.S.- Rajapakar, District - Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.
2. Arun Kumar Paswan Son of Late Mangal Paswan Resident of Village - Basra, P.S.- Rajapakar, District - Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vasant Vikas

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek regular bail in connection with Hajipur S.C./S.T. P.s.Case No.5 of 2017, registered for offences punishable under Section 341, 323, 467, 468, 504, 506 & 379/34 of the Indian Penal Code and Section 3(i)(x) of SC/ST (POA) Act.

Submission of the learned counsel for the appellants is that the appellant no.1 is purchaser of land from the family members of the informant and for that he has been falsely implicated in this case though he is bona fide purchaser and the allegation against the appellant no.1 is that he got sale-deed executed from Munni Devi, who is daughter of the brother of the grandfather of the informant and there is also allegation of assault by fists and slaps and abusing the informant by caste name,



however, the allegation of S.C. and S.T. (Prevention of Atrocities) Act has been attributed to just make the case serious. So for appellant no.2 is concerned, no specific allegation has been attributed against him. Both the appellants are in custody since 22.3.2017.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances that there is no allegation against appellant no.2 and so far appellant no.1 is concerned, he is bona fide purchaser of the land, as such, this appeal is allowed and the impugned order dated 7.4.2017 passed by the 1st Additional Sessions Judge, Vaishali at Hajipur passed in Hajipur S.C./ST P.S.Case No.5 of 2017 is set aside.

As such, let the appellants above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Vaishali at Hajipur in connection with Hajipur S.C./S.T. P.S.Case No.5 of 2017, subject to the following conditions:-

- (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 will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below 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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