

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1791 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

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1. Bhola Khan son of Naimuddin Khan,
2. Nabi Hassan Khan son of Hassan Jan Khan, Both Residents of Village-
Pakadia Pathanpatti, P.S.- Darpa, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-07-2017 The appellants seek pre arrest bail in connection with

Darpa P.S. Case No. 32 of 2017, registered for offences
punishable under Sections 272,273, 332, 353, /34 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and Excise
Act and Section 3(i) (x) of SC/ST Act.

Allegation is that on the basis of information of
chowkidar, police raised the house of one co-accused Prabhu Sah,
but he has fled away, it is further alleged that some of the accused
persons abused the informant by taking his caste name and there is
also allegation that co –accused Prabhu Sah sold wines to the
appellants.

It has been submitted on behalf of the appellants that they



have falsely been implicated in this case and nothing has been recovered from them and so far allegation under the above Section of SC/ST is concerned, from perusal of F.I.R, itself it will appear that there is no allegation against the appellants attracting the penal provisions of SC/ST Act. Further appellants have no criminal antecedents.

Learned Special P.P. could not controvert the above submissions of learned counsel for the appellants

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed, let the appellants, above named, 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 SDJM, Raxaul, East Champaran at Motihari, in connection with Darpa P.S. Case No. 32 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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