

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1285 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Himanshu Kumar Son of Shreedhar Prasad Sinha, Resident of Village-
Bhabua, Ward No.- 1, P.S.- Bhabua, District- Kaimur (Bhabua).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Shashi Shekhar Kishore

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellants seek pre arrest bail in connection with

Bhabhua P.S.Case No.92 of 2017 registered for offences

punishable under Section 302/34 of the Indian Penal Code and

section 3(1)(r) of SC/ST (Prevention of Atrocities) Act.

It is submitted on behalf of the appellant that there is

absolutely nothing against the appellant except that there is

general and omnibus allegation of assault. It is further submitted

that in this case after investigation, the charge sheet has been

submitted under Section 304 of the I.P.C. against another co-

accused. So far this appellant is concerned, investigation is still

pending.

Heard learned Special P.P. also.

Having heard both sides and from perusal of the F.I.R., it



appears that no offence is made out under Section 3 of S.C. & S.T. (Prevention of Atrocities) Act and other allegations are general in nature.

Accordingly, this appeal is allowed and the impugned order is set aside.

Let the appellant in the event of arrest or surrender before the court of Special Judge within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge Ist –cum-Special Judge, Kaimur at Bhabua in connection with A.B.P.No.234 of 2017– subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 22.3.2017 passed by A.D.J. Ist, Kaimur at Bhabhua in Bhabhua P.S.Case No.92 of 2017 dated 17.2.2017, subject to further conditions that appellant will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which his bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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