

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1223 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Mahesh Paswan, son of Suresh Paswan
 2. Pinku Kumar, son of late Brijnandan Paswan
 3. Jageshwar Paswan son of late Ramfal Paswan
 4. Girja Paswan @ Girija Paswan son of Ramsharan Paswan
 5. Sugani Devi wife of Madan Paswan
 6. Renu Devi wife of Madan Paswan
 7. Shakuntala Devi wife of Shankar Paswan

All are resident of village of Narayanpur P.S.- Kako District-
Jehanabad.

.... Appellants

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Paras Nath, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-07-2017 The appellants seek pre-arrest bail in connection with Kako P.S. Case No. 01 of 2017 registered for offences punishable under Sections 147, 148, 427, 354(A), 384, 188 and 120(B) of the Indian Penal Code and Section 3(1)(z) of SC/ST (Prevention of Atrocities) Amendment Act and 27 of the Arms Act.

Allegation against the appellants is that on 06.12.2016 the land of Khata No. 182, plot no. 876, area 3-3 decimals was allowed to the informant and other several persons for construction of house. On 30.12.2016 the appellants and other co-accused and 50-60 unknown persons came at the said plots and



demolished the construction and for the purpose of creating terror they have made firing. Appellant No. 1 outrage the modesty of daughter of the informant for the dispute of land. They were also abused the informant and other by caste name.

Learned counsel for the appellants submitted that no offence under Section 3(1)(Z) of SC/ST Act is made out against these appellants as they belongs to SC/ST community .

Heard learned A.P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, and it is ordered that the appellants named above in the event of his arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, be released on furnishing bail bond of Rs. 15,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st, Jehanabad, in connection with Kako P.S. Case No. 01 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further 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 adduce any witness or



tamper with the evidence.

(iii) The appellants shall cooperate in investigation before Investigating Officer and make themselves available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J.)

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