

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2425 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -SC/ST District- PATNA

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1. Mosamat Prameela Devi, aged about- 51 years, wife of Late Satrugan Sao.
 2. Ranjan Kumar, aged about- 28 years, son of Late Shatrughan Sao.
 3. Puja Devi, aged about- 28 years, wife of Sanjay Kumar. All are resident of Mohalla- Yarpur, Jogia Toli, P.S.- Gardanibagh, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Kunal Kumar Chaudhri, Son of Lakshman Chaudhri, resident of Yarpur, Jogia Toli, P.S. Gardanibagh, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-10-2017 Heard the parties.

The appellants seek pre arrest bail in SC/ST (Patna) P.S. Case No.4 of 2017 registered for the offence under Sections 341, 323, 379, 406, 420, 504, 506 of the I.P.C., Section 138 of the N.I.Act and Section 3(i)(r)(s) of SC/ST(POA) Act.

Allegation against the appellants as per the F.I.R. against the appellants is that when the informant/complainant went to the darwaza of the appellants and enquired about the dues the informant by his caste name and also snatched gold chain from the neck of the informant.



Submission of the learned counsel for the appellants is that nowhere it is mentioned that place of occurrence is public view rather occurrence took place at darwaza of the appellants and it has not been specifically mentioned as to what he had stated rather only abused the informant by calling his caste name.

Heard learned Spl.P.P. also who opposed the prayer for anticipatory bail on the ground that there is allegation of abusing by caste name.

Having heard both sides and in view of the fact that there is allegation of abusing at darwaja not at public place, the appeal is allowed. Let the appellants, above named, in the event of their arrest or surrender before the court below within six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, 2nd-cum-Special Judge, SC/ST (POA) Act, Patna, in SC/ST (Patna) P.S. Case No.4 of 2017 arising out of Complaint Case No.3388(C)/2016 subject to the conditions as laid down under Section 438 (2) of Cr.P.C. and that (1) one of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned court. (2) The appellants will not induce any witness or tamper with the evidence. (3) The appellants shall co-operate in



disposal of investigation and make themselves available as and when required by the Police. In the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reason, their bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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