

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2296 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -NAURANGIA District-
WESTCHAMPARAN(BETTIAH)

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1. Umesh Kushwaha, Son of Late America Kushwaha, R/o Village-Madanpur, P.S.- Naurangia, District- West Champaran Bihar.
2. Girijesh Kushwaha, Son of Late America Kushwaha, R/o Village-Madanpur, P.S.- Naurangia , District- West Champaran Bihar.
3. Upendra Kushwaha Son of Late America Kushwaha, R/o Village-Madanpur, P.S.- Naurangia, District- West Champaran Bihar.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anirudh Kumar Verma

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Naurangia P.S.Case No. 49 of 2016 registered for the offences punishable under Sections 323, 341, 342, 354, 379, 337, 448, 504, 506/34 of the Indian Penal Code, 27 of the Arms Act and 3(1)(x) of SC/ST Act and for setting aside the order dated 11.4.2017 passed by Additional Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah.

Allegation against the appellants is of abusing the informant by taking her caste name inside her house.



Submission of learned counsel for the appellants is that there is no allegation of abuse in public view and other allegations are bailable in nature.

Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, the appeal is allowed and the impugned order is set aside.

Let appellants, above named, surrender within six weeks and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-cum-Special Judge, West Champaran, Bettiah, in connection with Naurangia P.S. Case No. 49 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned,
- (2) Appellants will co-operate in investigation



of the case and will appear before the Investigating Officer as and when required, failing which the prosecution will be at liberty to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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