

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1679 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

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1. Suresh Sahni son of Late Sitaram Sahni
2. Laldhari Sahni son of Anuplal Sahni
3. Pramod Kumar Sahni
4. Subodh Kumar Sahni Both sons of Suresh Sahni
5. Pintu Sahni @ Pintu Kumar son of Laldhari Sahni
6. Bhola Sahni son of Late Joginder Sahni
7. Bhola Sahni son of Jitu Sahni All residents of Village : Kanhauli, P.S.: Mohiuddinnagar, District : Samastipur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikram Deo Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-07-2017 The appellants seek pre arrest bail in connection with Mohiuddinnagar P.S. Case No. 28 of 2017, registered for offences punishable under Sections 323, 324, 341, 354, 379/34 of the Indian Penal Code and Section 3(i)(H), 3(ii)(va) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants that they were fishing unauthorizedly and on protest by the informant, they assaulted her and her son and also snatched away gold ornaments belonging to her daughter in law.

It has been submitted on behalf of the appellants that from perusal of the entire F.I.R. itself it will appear that there is no



allegation of abusing the informant or any other person by calling them by their caste name and, therefore, no offence under the above mentioned section of SC/ST (POA) Act is made out against the appellants and so far other allegation is concerned, they are only general and omnibus in nature and there is case and counter case between the parties.

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

Having heard both sides, in view of the above facts and circumstances, this appeal is allowed, let the appellants above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-cum- 1st Additional Sessions Judge, Samastipur, in connection with Mohiuddinnagar P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the 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 appellants 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 two 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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