

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2639 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -TANDWA District- AURANGABAD

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1. Jahid Ansari, son of Imamam Ansari
 2. Md. Ayub Ansari, son of Yasim Ansari
 3. Ekram Ansari, son of Yasmin Ansari
 4. Bageriya, son of Sabir Ansari
 5. Danish Ansari, son of Saimuddin Ansari
 6. Jalal Ansari, son of Late Mosteem Ansari, all residents of village
Khajuri Tika, P.S. Tandwa, District Aurangabad

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Krishna Pd. Singh, Sr. Advocate with
Mr. Mithilesh Kr. Singh, Advocate
For the Respondent/s : Ms. Usha Kumari No.1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-09-2017 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 Tandwa P.S.Case No. 28 of 2017 registered for the offences punishable under Sections 147, 323, 504, 506 of the Indian Penal Code and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act and for setting aside the order dated 10.8.2017 passed by Additional Sessions Judge-I-cum-Special Judge, Aurangabad.

Allegation against the appellants is of abusing the informant by taking his caste name and also pressuring him for compromise of a case lodged by him against the appellants.



Submission of learned counsel for the appellants is that no offence under SC/ST Act is made out against the appellants as allegation of abuse is inside the room and not in public place and though it is alleged that appellants were putting pressure upon him to compromise the earlier case lodged by him but no case has been lodged against them by him earlier.

Learned Special P.P. has opposed the prayer for pre-arrest bail.

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 a period of 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 Sessions Judge-I-cum-Special Judge, Aurangabad, in connection with Tandwa P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immoveable 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 their bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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