

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1314 of 2017

Arising Out of PS.Case No. -88 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Kaushilya Kumar @ Puja Kumari d/o Chhotelal Sah
2. Sanamat Devi w/o Chhotelal Sah
3. Shyambabu Sah s/o Chhotelal Sah All r/o vill Raghunathpur Bazar, P.S.
Sugauli, Dist. E. Champaran.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 05-09-2017 The appellants seek pre arrest bail in connection with Sugauli P.S. Case No. 88 of 2016, registered for offences punishable under Sections 323, 307, 380, 384, 392, 449, 354(B)/34 of the Indian Penal Code and Section 3(i)(x) (iv) of SC/ST) Act.

Allegation as per F.I.R is that appellants entered into the house of informant and abused him by caste named and further allegation against appellant no. 3 is that he assaulted the informant.

It has been submitted on behalf of the appellants that so far appellant nos. 1 and 2 is concerned, though there is allegation against them of abusing the informant, however, the incident took



place inside the house and not in public view and, therefore, there is no application of SC/ST Act against them and further there is no allegation of assault against them and so far allegation against appellant no. 3 of assault is concerned, however, there is case and counter case between the parties

Heard learned Special P.P. also.

Having heard both sides, so far appeal with regard to appellant nos. 1 and 2, is concerned, considering the fact that they are ladies and occurrence took place inside the house and not in public view, as such, this appeal with regard to 1 and 2, is allowed, let the appellant nos. 1 and 2, in the event of their arrest or surrender before the court below within a period of six 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Sugauli P.S. Case No. 88 of 2016, 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 to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

So far appellant no. 3 is concerned, considering the facts and circumstances of the case, I am not inclined to grant the privilege of pre arrest bail to him, let appellant no. 3 surrender before the Special Court and make prayer for regular bail and if any such application is filed, the special court after considering the submission as well as materials available on record, shall pass an appropriate order, if possible on same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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