

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3000 of 2017

Arising Out of P.S.Case No. -13 Year- 2017 Thana -SC/ST District- JEHANABAD

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Damodar Sharma, son of Kapildeo Sharma, R/o Village- Kalaonda @
Kalendra, P.S.- Parasi, District- Arwal.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Birendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-11-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of pre-arrest bail in connection with Arwal SC/ST P.S.Case No. 13 of 2017 registered for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 8.9.2017 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Jehanabad.

Allegation against the appellant is of abusing the informant in the name of Harijan.

Submission of learned counsel for the appellant that there is general allegation of abusing by taking caste name against all the accused persons and there was some dispute between them with respect to delivery of some articles, as appellant is PDS dealer and informant is card holder and, as such, the present false and concocted case has been filed.



Heard learned Special P.P.

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

Let appellant, above named, surrender within a period of six weeks and on his so surrendering he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge, Jehanabad, in connection with Arwal SC/ST P.S.Case No. 13 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and further conditions as follows :

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (2) Appellant will co-operate in investigation of the case and appear before the Investigating Officer as and when required, failing which his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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