

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1849 of 2017

Arising Out of PS.Case No. -458 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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1. Rajendra Singh, Son of late Antu Singh,
 2. Yogendra Singh, Son of Late Antu Singh,
 3. Manoj Singh, Son of Nand Kishore Singh, Sl. Nos. 1, 2 and 3 are Resident of Village- Mangarar, P.S.- Lakshmipur, District- Jamui.
 4. Jai Krishna Yadav, Son of Yamuna Yadav, Resident of Village- Korwa, P.S.- Lakshmipur, District- Jamui.

.... Appellants

Versus

1. The State of Bihar.
2. Sugiya Devi, W/o Bhuneshwar Das, Resident of Village- Magahi, P.S.- Lakshmipur, District- Jamui.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Arjun Pd. Keshri

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-08-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order dated 11.11.2016 passed in A.B.P. No. 1045 of 2016, arising out of Complaint Case No. 458C of 2014 in which cognizance of offence was taken under Sections 354, 504/34 of the Indian Penal Code and 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, by 1st Additional Sessions Judge, (Special Judge), Jamui and for grant of pre-arrest bail to the appellants.

Allegation against the appellants Nos. 1 to 3 is of



selling land of the informant by creating forged sale-deed and appellant No.4 is witness to the said sale-deed.

It has been submitted on behalf of the appellants that no cognizance has been taken against the appellants under the provisions of SC/ST Act and the appellants have sold their own land and appellant No.4 has nothing to do with the sale-deed as he is a witness to the same.

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

Having heard both sides and considering the aforesaid facts and circumstances, let appellants Nos. 1 to 3 surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order, preferably on the same day.

Let appellant No.4, surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order and on his so surrendering he shall be enlarged 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 Sub-Divisional Judicial Magistrate, Jamui, in connection with Complaint Case No. 458C of 2014, subject to the



conditions as laid down under Section 438(2) Cr.P.C. and further conditions that :-

- (i) one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) appellant shall co-operate in the investigation and make himself available before the police as and when required and in the event of failure on his part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of his bail bonds,
- (iii) appellant will not induce any witness or tamper with the evidence.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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