

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2517 of 2017

Arising Out of PS.Case No. -58 Year- 2017 Thana -SC/ST District-
EASTCHAMPARAN(MOTIHARI)

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1. Suresh Pandey son of Kokai Pandey.
2. Deepak Pandey.
3. Raj Kumar Pandey.
4. Aman Pandey 2 to 4 are sons of Suresh Pandey. All Resident of Village-
Mahmadda, Police Station- Pipra Kothi, District- East Champaran.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-09-2017 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 SC/ST MTI (Motihari) P.S. Case No. 58 of 2017 registered for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and 3(i)(a)(r)(s) of SC/ST Act and for setting aside the order dated 19.7.2017 passed by 1st Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari.

Allegation against the appellants is that when informant went to demand wages from them, they abused the informant by



taking her caste name and there is also allegation of assaulting her against them.

Submission of learned counsel for the appellants is that as a matter of fact appellant No.2 has lodged a case of rape against one Shival Pandey and informant happens to be made servant of said Shival Pandey and, as such, this false and concocted case has been filed against the appellants and they have falsely been implicated in this case.

Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of fact that the alleged abuse has taken place at the darwaja and not in public view, this 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, in connection with SC/ST MTI (Motihari) P.S. Case No. 58 of 2017, 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 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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