

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3114 of 2017

Arising Out of PS.Case No. -493 Year- 2016 Thana -BODHGAYA District- GAYA

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1. Gaya Tamoli, Son of Late Basant Tamoli,
2. Dinesh Tamoli, Son of Gaya Tamoli,
3. Bimla Devi, Wife of Gaya Tamoli,
4. Mahesh Tamoli Son of Jamuna Tamoli, All Resident of Village-
Mastpura, P.S.-Bodh Gaya, District-gaya.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh

For the Respondent/s : Mr. Shyed Ashfaque Ahmad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-11-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Bodh Gaya P.S. Case No. 493 of 2016, registered for the offences punishable under Sections 448, 341, 323, 354B, 380 of the Indian Penal Code and 3(i)(r)(s)(u)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 11.9.2017 passed by Special Judge, SC/ST Act, Gaya.

Allegation against the appellants Nos. 1 and 2 is of abusing the informant by taking his caste name and there is allegation of assault to him by rest of the appellants.

Submission of learned counsel for the appellants is that



so far appellants Nos. 3 and 4 are concerned, no allegation under SC/ST Act is made out against them and so far other appellants are concerned, they have falsely been implicated in this case.

Heard learned Special P.P. also.

Having heard both sides and in view of the facts and circumstances, let appellants Nos. 3 and 4, named above, surrender in the court of Special Judge 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 Special Judge, SC/ST Act, Gaya, in connection with Bodh Gaya P.S.Case No. 493 of 2016, subject to conditions as laid down under Section 438(2) 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 court concerned,
- (2) Appellants shall co-operate in investigation of the case and appear before the Investigating Officer as and when required and on failure to appear on two consecutive dates without any genuine reason, their bail



bonds shall be cancelled.

So far appellants Nos. 1 and 2 are concerned, they should appear before the court of Special Judge within the same period and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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