

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2705 of 2017

Arising Out of PS.Case No. -95 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

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1. Ram Awtar Sharma @ Ramotar Sharma Son of late Moti Sharma
2. Santosh Sharma
3. Pancha @ Panchanand Sharma
4. Guppo Sharma 2 to 4 are sons of Ramotar Sharma @ Ram Awtar Sharma
Resident of Villate- Warsaliganj, P.S. Babarganj, District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiwesh Chandra Mishra

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-10-2017

Heard the parties.

The appellants seek regular bail in connection with
Mojahidppur (Babarganj) P.S.Case No.95 of 2017 registered for
offences punishable under Sections 341, 323, 504, 324, 307,
376/34 of the Indian Penal Code and Section
3(i)®/3(1)(w)(ii)/3(ii)(v) of SC/ST (Prevention of Atrocities Act)
Act.

Allegation against the appellants is of assaulting and
abusing the informant and so far allegation of rape is concerned, it
is against the other co-accused person.

Submission of the learned counsel for the appellants
is that there is general and omnibus allegation against the
appellants and they are in custody since 14.5.2017.

Heard learned Special P.P. also.



Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Banka in connection with Mojahidpur (Babarganj) P.S.Case No.95 of 2017 after setting aside order dated 21.8.2017 passed by the learned 2nd Additional Sessions Judge –cum-Special Judge SC./S.T., Bhagalpur in Mojahidpur (Babarganj) P.S.Case no.95 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall co-operate in the disposal of trial and make themselves available as and when required by the court concerned and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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