

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1738 of 2018

Arising Out of PS. Case No.-56 Year-2017 Thana- JURAWNUPUR District- Vaishali

1. Rama Shankar Rai, S/o Kameshwar Rai,
2. Deepak Rai @ Deepak Kumar, S/o Kameshwar Rai, both are R/o village-
Birpur, P.S.- Jurawanpur, District- Vaishali.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Rina Sinha, Advocate

For the Respondent/s : Mr. Binay Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-05-2018 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This appeal has been preferred against the impugned order dated 23.04.2018 passed by the learned Additional Sessions Judge-I, Vaishali at Hajipur, in connection with Jurawanpur P.S. Case No. 56 of 2017 registered for the offence under Sections 323,341,324,379,504/34 of the Indian Penal Code and Section 3(i)(x) of SC/ST Act, by which the prayer for anticipatory bail of the appellant has been rejected.

Learned counsel for the appellants submits that they have clean antecedent. There is general and omnibus allegation against them.

In the written report it is alleged that the appellants



abused the informant and also assaulted him by taking caste name.

Counsel for appellants submits that the instant case has been lodged on account of election for the post of secretary in Upgraded Middle School, Birpur, in which informant was one of the contestant but appellants did not caste vote in her favour.

In the facts and circumstances of the case, this appeal is allowed and the impugned order 23.04.2018 passed by learned Additional Sessions Judge-I, Vaishali at Hajipur, in connection with Jurawanpur P.S. Case No. 56 of 2017 is hereby set aside.

Let the appellants, above named, in the event of surrender/arrest within six weeks from today, in connection with Jurawanpur P.S. Case No. 56 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) appellants shall



cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

(Sanjay Priya, J)

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