

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.362 of 2019

Arising Out of PS. Case No.-262 Year-2018 Thana- LAURIA District- West Champaran

1. Shambhu Mahato, son of. Late Shivrath Mahato resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
2. Sushila Devi, Wife of Laxman Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
3. Premi Devi Wife of Sudhil Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
4. Manju Kunwar Wife of Late Kali Charan Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
5. Urmila Devi Wife of Shatrughan Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
6. Munni Devi Wife of Yogesh Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
7. Mantu Mahto Son of Shambhu Mahato resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
8. Mohammad Sani Son of Bharti Mian resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
9. Ash Mohammad Son of Bharti Mian resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
10. Yogesh Singh Son of Late Shiv Kumar Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
11. Anuj Singh Son of Kali Charan Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
12. Janardan Singh @ Janardan Singh Son of Late Chandradeep Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
13. Shailendra Kumar Singh @ Shailendra Singh Son of Janardan Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
14. Rajdeo singh Son of Late Nathu Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
15. Karmullah Mian Son of Ash Mohammad Mian resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
16. Abdullah Mian Son of Ash Mohammad Mian resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
17. Anil Mahato Son of Mahangu Mahato resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
18. Anirudh Mahato @ Anurudh Mahato Son of Mahangu Mahto resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.
19. Muneshwar Singh @ Bhuneshwar Singh @ Maneshwar Singh Son of Late Magani Singh resident of village-Siswaniya Briti Tola, P.S-Lauriya, District-West Champaran.



20. Ravi Shankar Singh @ Shashi Singh @ Sahi Singh, Son of Manan Singh resident of village-Siswaniya Purab Tola, P.S-Lauria,Distt.-West Champaran.
21. Prem Shankar Singh @ Basahi Singh Son of Manan Singh resident of village-Siswaniya Purab Tola, P.S-Lauria,Distt.-West Champaran.
22. Jyoti Shankar Singh Son of Manan Singh resident of village-Siswaniya Purab Tola, P.S-Lauria,Distt.-West Champaran.
23. Surendra Singh Son of Late Ramchandra Singh resident of village-Siswaniya Purab Tola, P.S-Lauria,Distt.-West Champaran.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 28-03-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 12.12.2018 passed by Additional District and Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in A.B.P. No. 2010 of 2018 filed by the appellants, by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Lauria P.S.Case No. 262 of 2018, registered under Sections 341, 353, 332, 333, 337, 338, 307, 147, 148, 149 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per FIR is that the accused appellants attacked the police party.

Submission of learned counsel for the appellants is that as a matter of fact scuffle took place between the two groups with respect to construction of toilet and police reached there and the appellants, who are 23



in numbers, have been made accused in this case and nothing specific has been attributed against them.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, 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 Additional District and Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Lauria P.S. case No. 262 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 12.12.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

