

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.490 of 2019

Arising Out of PS. Case No.-149 Year-2015 Thana- BAKHTIARPUR District- Saharsa

1. SIKENDRA YADAV, son of Late Moti Yadav, Resident of Village - Lagma Tola, Tariyama, P.S.- Bakhtiarpur, District Saharsa
2. Ram Sogarath Yadav @ Ramswarath Yadav, son of Late Methar Yadav Resident of Village - Lagma Tola, Tariyama, P.S.- Bakhtiarpur, Dist. Saharsa
3. Jiya Lal Yadav, son of Late Methar Yadav, Resident of Village - Lagma Tola, Tariyama, P.S.- Bakhtiarpur, Dist. Saharsa
4. Birju Yadav, son of Late Bhuro Yadav, Resident of Village - Lagma Tola, Tariyama, P.S.- Bakhtiarpur, Dist. Saharsa

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-03-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 4.10.2018 passed by Additional Sessions Judge-I-cum-Special Judge, Saharsa, in A.B.P. No.923 of 2018 by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Bakhtiarpur P.S.Case No. 149 of 2015, registered under Sections 341, 323, 379, 354A, 504, 506, 34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation is that in a Panchayati held with respect to scuffle between the children of the parties, the appellant abused the informant by caste name and assaulted the informant's daughter and son-in-law.



Submission of learned counsel for the appellants is that the whole case is false and concocted as injury report (Annexure-2) does not show any injury on the injured persons.

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 Sessions Judge-I-cum-Special Judge, Saharsa, in connection with Bakhtiarpur P.S. case No. 149 of 2015, 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 4.10.2018 is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

