

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.494 of 2019

Arising Out of PS. Case No.-324 Year-2013 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. KRISHNA KUMAR MISHRA, S/o Late Nand Lal Mishra, resident of village-Harinagar, P.S-Kusheshwarasthan and Distt.-Darbhanga.
 2. Vikash Mishra @ Bipin Kumar Mishra @ Vikash Kumar Mishra, S/o Krishna Kumar Mishra, resident of village-Harinagar, P.S-Kusheshwarasthan and District-Darbhang.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Jha, 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 26.10.2018 passed by Additional Sessions Judge-I-cum-Special Judge, SC.ST Act, Darbhanga, in A.B.P. No.1585 of 2018 by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Kusheshwar Asthan P.S.Case No. 324 of 2013, registered under Sections 341, 323, 325, 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 against the appellants is of assaulting the informant and abusing him by caste name.

Submission of learned counsel for the appellants is that earlier to the present case a complaint case has been filed by the appellants against the informant and for that the present case has been filed. Further submission is that as a matter of fact the



investigation was going on and at the midst of investigation a petition has been filed by the informant's side not supporting the case but later on cognizance has been taken and as such there is delay in filing the anticipatory bail petition.

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, SC/ST Act, Darbhanga, in connection with Kusheshwar Asthan P.S. case No. 324 of 2013, 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 26.10.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

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Uploading Date	
Transmission Date	

