

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.796 of 2019

Arising Out of PS. Case No.-244 Year-2018 Thana- BANKA District- Banka

1. CHANO DEVI W/o Mohril Yadav Resident of Village- Bijaynagar, Ward No.21, Police Station- Banka, District- Banka.
2. Nawal Yadav @ Nawal Kishore Yadav Son of Mohril Yadav Resident of Village- Bijaynagar, Ward No.21, Police Station- Banka, District- Banka.
3. Rajesh Yadav @ Shambhu Yadav S/o Mohril Yadav Resident of Village- Bijaynagar, Ward No.21, Police Station- Banka, District- Banka.
4. Mohril Yadav S/o Late Balgobind Panjiyara @ Yadav Resident of Village- Bijaynagar, Ward No.21, Police Station- Banka, District- Banka.
5. Fulo Devi @ Fula Devi Wife of Nawal Yadav @ Nawal Kishore Yadav Resident of Village- Bijaynagar, Ward No.21, Police Station- Banka, District- Banka.
6. Pappu Yadav @ Braj Kishore Yadav Son of Mohril Yadav Resident of Village- Bijaynagar, Ward No.21, Police Station- Banka, District- Banka.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Mukherjee
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 02-04-2019

The appellants seek pre arrest bail in connection with Banka P.S. Case No. 244 of 2018, registered for offences punishable under Sections 147, 149, 448, 342, 323, 504, 506 of the Indian Penal Code and Section 3 (i)(x) of SC/ST Act.

Allegation against the appellants is that they armed with weapons entered inside the house of the informant and abused her by caste name and also assaulted and thrashed the informant and also threatened to withdraw the case of murder of her son filed against the



appellants.

It has been submitted on behalf of the appellants that as a matter of fact that earlier the son of informant was murdered and in that case, appellants were made accused and when they came out on bail, the informant has again roped them in this false case. Moreover, appellant nos. 1 and 5 are ladies and appellant no. 4 is an old person aged about 70 years.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, appellants nos. 1, 4 and 5, are concerned, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt / production of a copy of this order, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST-cum-Additional Sessions Judge -I, Banka, in connection with Banka P.S. Case No. 244 of 2018, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

So far other appellants, i.e. appellant nos. 2, 3 and 6 are concerned, I am not inclined to grant them privilege of pre-arrest bail rather they should surrender before the court below and pray for regular bail and if any such applicaiton is filed the court below shall dispose of the same on the merit of the case, without being prejudiced by this order.



Accordingly, this appeal with regard to appellant nos. 1, 4 and 5 are allowed and impugned with respect to them is set aside.

(Vinod Kumar Sinha, J)

sunilkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

