

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.805 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- NATIONAL HIGHWAY District-
Samastipur

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1. RAM DAYAL SAH @ RAM DAYAL PRASAD SAH Son of Late Premchandra Sah
 2. Asim Kumar @ Asim Kumar Gupta Son of Ram Dayal Sah @ Ram Dayal Prasad Sah
 3. Amit Kumar Son of Late Mohan Sah @ Mohan Prasad Sah
 4. Rajiv Kumar @ Rajeev Kumar Sah @ Karluth Sah Son of Late Ramashish Sah
- All are resident of Village - Gauspur Sarsauna, P.S.,- N.H.Bangara, Distt.- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 12-04-2019

Heard the parties.

The appellants are apprehending their arrest in connection with N.H.Bangara P.S.Case No.64 of 2018 , registered for offences punishable under Sections 341, 323, 354, 379,504/34 of the Indian Penal Code and Section 3(1)(r)/3(1)(s)(s) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants as per FIR is that they were pulling bricks of the road, which was protested by the informant, on which the co-accused Suresh Sah abused the informant by caste name and appellant no.2 thrashed her on the ground and the appellant no.4 tried to disrob her and the appellant no.1 assaulted by fists and slaps.



Submission of the learned counsel for the appellants is that as a matter of fact the road was constructed on the land of the appellant no.1, which he has stated in para no.9 of the memo of appeal, for which a civil writ is pending before this Court and due to that the present case has been lodged by the informant and others making allegation of abuse and assault.

Heard learned Spl.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Samastipur in connection with N.H.Bangara P.S.Case No.64 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid observation, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

