

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1167 of 2019**

Arising Out of PS. Case No.-268 Year-2018 Thana- KORHA District- Katihar

1. PAWAN SAH @ PAWAN KUMAR SAH, Son of Yogendra Prasad Sah Resident of Village- Pawai, P.S.- Korha, District- Katihar (Bihar).
2. Rajesh Sah @ Rajesh Kumar Sah, Son of Yogendra Prasad Sah Resident of Village- Pawai, P.S.- Korha, District- Katihar (Bihar).
3. Pramod Sah @ Pramod Kumar Sah, Son of Yogendra Prasad Sah Resident of Village- Pawai, P.S.- Korha, District- Katihar (Bihar).
4. Yogendra Prasad Sah, Son of Late Raghunath Sah Resident of Village- Pawai, P.S.- Korha, District- Katihar (Bihar).

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 01-04-2019

At the very outset, learned counsel for the appellants seeks permission to withdraw this appeal with respect to appellant No.1 Pawan Sah @ Pawan Kumar Sah stating that he has been arrested during the pendency of this appeal.

Accordingly, this appeal with respect to appellant No.1 is dismissed as withdrawn.

This appeal is for grant of pre-arrest bail to the appellants against the order dated 14.2.2019 passed by Additional District and Sessions Judge-I-cum-Special Judge, Katihar, in A.B.P. No. 14 of 2019 filed by the appellants, by which learned



Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Korha P.S. Case No. 268 of 2018, registered under Sections 147, 148, 149, 323, 379, 354 of the Indian Penal Code and Sections 3(i), (iii), (viii), (x), (xi), (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant claims to be the bataidar of the land owner and after death of the land owner while he was cultivating the land the appellants came and assaulted him and abused him by caste name.

Submission of learned counsel for the appellants is that the land is purchased land of the appellant No.4 from Ganga Prasad in 1974 and rent receipts are being issued in his name and so far other case is concerned, in that case the appellants and others have already been acquitted, which will appear from Annexure-2.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants Nos. 2 to 4, 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,
Katihar, in connection with Korha P.S. case No. 268 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 14.2.2019 is set aside.

(Vinod Kumar Sinha, J)

spal/-

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CAV DATE	
Uploading Date	
Transmission Date	

