

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1183 of 2019

Arising Out of PS. Case No.-811 Year-2017 Thana- COMPLAINT CASE District- Jamui

1. SONU MODI @ SONU KUMAR @ VINAY KUMAR BURNWAL, Son of Chandra deo Prasad @ Chandra deo Burnwal @ Channu Modi @ Chunnu Modi Resident of Village- Purani Bazaar Jhajha, P.S.- Jhajha, District- Jamui.
2. Golu Modi @ Vishal Kumar @ Golu Kumar, Son of Chandra deo Prasad @ Chandra deo Burnwal @ Channu Modi @ Chunnu Modi Resident of Village- Purani Bazaar Jhajha, P.S.- Jhajha , District- Jamui.
3. Chandra deo Prasad @ Chandra deo Burnwal @ Channu Modi @ Chunnu Modi, S/o Late Arjun Lal @ Late Arjun Modi Resident of Village- Purani Bazaar Jhajha,, P.S.- Jhajha, District- Jamui.

... .. Appellants

Versus

1. The State of Bihar
2. Pramila Kumari, D/o Manoj Manjhi, Resident of Village- Mangaruadih, P.S.- Sono, District- Jamui.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Tiwari
For the Respondent/s	:	Mr.Sadanand Paswan
For the complainant	:	Mr. Amar Prakash

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-04-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 7.2.2019 passed by Additional District and Sessions Judge-I, Jamui, in A.B.P. No. 997 of 2018 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 Complaint Case No. 811C of 2017, lodged under Section 323 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 that they abused the complainant by caste name and also assaulted her. It further appears that appellants are accused in 40 more cases.

Submission of learned counsel for the appellants is that all the cases have been lodged at the instance of one Om Prakash Burnwal, who is an Advocate Clerk, which will appear from the report of D.S.P., which is submitted on application of the appellants and annexed as Annexure-3 and so far this case is concerned, there is no specific allegation against the appellants and the Section of IPC isailable.

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 the Additional District and Sessions Judge-I, Jamui, in connection with Complaint case No. 811C of 2017, 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 7.2.2019 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

