

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4705 of 2018

Arising Out of PS. Case No.-744 Year-2017 Thana- JAHANABAD District- Jehanabad

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1. Ganesh Keshari @ Ganesh Prasad Keshari, S/o Late Hari Prasad Keshari,
 2. Ravi Kumar @ Ravi Kumar Keshari, S/o Sri Ganesh Keshari @ Ganesh Prasad Keshari, Both are R/o Mohalla- Unta, Purvi Gali, Jehanabad, P.S.- Jehanabad in the District of Jehanabad.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 17.11.2018 passed by Additional Sessions Judge-I, Jehanabad, in ABP No. 1610 of 2018 by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Jehanabad P.S.Case No. 744 of 2017 registered under Sections 147, 149, 341, 323, 448, 504, 354 of the Indian Penal Code, Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of abusing the informant by taking his caste name and of humiliating family members of the informant and specific allegation of assault by khanti on the head of informant is against appellant No.2.

Submission of learned counsel for the appellants is that earlier two cases relating to theft of mobile phone have been lodged against the informant and his family members and in order to save their skin the present false and concocted case has been lodged.



Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants.

Having heard both sides and in the facts and circumstances, let the appellant No.1, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Jehanabad, in connection with Jehanabad P.S.Case No. 744 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellant shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

So far appellant No.2 is concerned, in the facts and circumstances, let him surrender and pray for regular bail, which shall be considered on its own merit.

Accordingly, the appeal with respect to appellant No.1 is allowed and the impugned order dated 17.11.2018 is set aside with respect to appellant No.1.

(Vinod Kumar Sinha, J)

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