

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4755 of 2018

Arising Out of PS. Case No.-252 Year-2018 Thana- ATHMALGOLA District- Patna

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1. Mulayam Kumar @ Molayam Kumar @ Sonu, son of Sri Upendr Rai
Resident of Village- Sabnima, P.S.- Athmal-Gola, District- Patna.
 2. Rajesh Kumar, son of Bageshwar Prasad @ Bageshwar Prasad Verma,
Resident of Village- Sabnima, P.S.- Athmal Gola, District- Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Ms.Babita Kumari, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 22.11.2018 passed by Additional District and Sessions Judge-IV-cum-Special Judge, SC/ST Act, Patna, in A.B.P. No.8113 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Athmal Gola P.S.Case No. 252 of 2018, registered under Sections 341, 323, 379, 503/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per FIR is that while son of the informant was going to appear at the examination he was assaulted by cricket bat and snatched Rs.2000/- from him from his pocket and one gold chain.

Submission of learned counsel for the appellants is that there is case and counter case between the parties and they have falsely been implicated in this case and all sections of IPC are bailable except Section 379 IPC.



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 Additional District and Sessions Judge-IV,-cum-Special Judge, SC/ST Act, Patna, in connection with Athmal Gola P.S. case No. 252 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 22.11.2018 is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

