

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.90 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- RIVILGANJ District- Saran

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1. Sanju Khan, son of Sajjak Khan,
 2. Sajak Khan, Son of Late Lukman Khan, both residents of village - Godna Muslim Toli, P.S. - Revilganj, District- Saran.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 3.12.2018 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saran, Chapra, in A.B.P. No. 3475 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 Revilganj P.S.Case No. 264 of 2018, registered under Sections 341, 323, 342, 504 and 34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against appellant No.1 is that he assaulted the informant by means of sword and abused her by caste name and appellant No.2 is also named in the FIR.

Submission of learned counsel for the appellants is that FIR itself shows that there is land dispute between the parties from before and the injury is on the hand, which is not vital part of the body.

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 Sessions Judge-I-cum-Special Judge, SC/ST Act, Saran at Sasaram, in connection with Revilganj P.S. case No. 264 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 immovable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 3.12.2018 is set aside.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

