

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4737 of 2018

Arising Out of PS. Case No.-14 Year-2018 Thana- SC/ST District- Bhagalpur

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1. Amit Kumar, son of Munilal Mandal,
 2. Ajit Kumar, son of Munilal Mandal,
 3. Munilal Mandal, son of Late Arjun Mandal, All R/o Vill.- Ambe Marufchak,
P.S.- Habibpur, District- Bhagalpur.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Rajendra Narain, Sr. Advocate with Mr. Manoj Kumar Jha, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 29-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 27.11.2018 passed by Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in ABP No. 2738 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in SC/ST P.S.Case No. 14 of 2018, corresponding to G.R.No. 5798 of 2018, registered under Sections 341, 323, 448, 376, 511, 504, 506/34 of the Indian Penal Code and Sections 3(i)(s)(w) (I) and 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against appellant No.1 is of attempting to commit rape upon the informant and when Panchayati was held all the appellants abused her by taking caste name and thrashed on the ground.

Submission of learned counsel for the appellants is that two days prior to the occurrence, as alleged by informant, a case has been lodged by



father of appellant No.1 against informant and others with respect to dacoity committed in the shop and he was brutally assaulted and thereafter the present case has been lodged by making false allegation.

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-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with SC/ST P.S.Case No. 14 of 2018, corresponding to G.R.No. 5798 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 27.11.2018 is set aside.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

