

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1695 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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1. DHANU PANDEY Son of chandeshwar Pandey Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 2. Chandeshwar Pandey Son of Sheopujan Pandit Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 3. Rameshwar Pandey @ Kameshwar Pandey Son of Sheopujan Pandit Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 4. Ashutosh Kumar @ Ashutosh Kumar Pandey Son of Rameshwar Pandey @ Kameshwar Pandey Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 5. Shivam Pandey Son of Rameshwar Pandey @ Kameshwar Pandey Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 6. Janardhan Pandey @ Janardan Pandey Son of Late Raghunath Pandit Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 7. Rampujan Pandey Son of Late Raghunath Pandit Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 8. Lav Kumar @ Lav Kumar Pandey @ Lav Pandey Son of Rampujan Pandit Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran
 9. Kush Pandey Son of Rampujan Pandit Resident of Village - Bharachak, Ward No. 12, P.s.- Majhauria, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 25-04-2019

Submission of learned counsel for the appellants

is that during the pendency of this appeal, appellant no. 6,



Janardhan Pandey @ Janardan Pandey, has been arrested and as such, this application as against appellant no. 6 has become infructuous.

In such view of the matter, the application as against appellant no.6 is dismissed as infructuous.

Heard learned counsel for the appellants nos. 1 to 5 and 7 to 9 and learned Spl. P.P. for the State.

This appeal is filed for grant of pre-arrest bail to the appellants against the order dated 27.03.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran in A.B.P. No. 358 of 2019 in Bettiah SC/ST P.S. Case No. 67 of 2018 registered for the offences punishable under sections 147, 148, 149, 323, 324, 435, 504 of the Indian Penal Code and Section 3(ii)(r)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby prayer for pre-arrest bail of the appellants has/have been rejected.

Submission of learned counsel for the appellants is that prior to filling of this case, one case was also filed against the informant as evident from Annexure-2 to the application. Further submission is that it appears from the first information report that the present case is lodged after one



month of the alleged occurrence. The allegation is general and omnibus against the appellants.

Having heard both sides and in the facts and circumstances of the case, let the above named appellants, except appellant no. 6, 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 1st Additional Sessions Judge-cum- Special Judge, Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No. 67 of 2018, subject to the conditions as laid down under section 438(2) of Cr. P.C.

Accordingly, the appeal is allowed and the impugned order dated 27.03.2019 is set aside.

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

