

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4183 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- SC/ST District- Araria

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1. Abdhesh Kumar Bhagat @ Abdhesh Bhagat S/o Shyam Sundar Bhagat
 2. Shyam Sundar Bhagat S/o Bachhu Bhagat Both Resident of Village-
Barhara, Ward No.9, P.S. Narpatganj, Distt. -Araria

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Gopal Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-01-2019 Appellants seek pre-arrest bail in connection with Special Case No. 76 of 2018, arising out of Araria SC/ST P.S.Case No. 29 of 2018 registered for the offences punishable under Sections 323, 341, 354B, 379, 420, 504 of the Indian Penal Code and Section 3 (i)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation is that the informant was working in Laxmi Rice Mill and appellant No.1 was Munsii in the said rice mill and appellant collected wages for payment to the workers worth Rs.6,28,200/- but paid only Rs.1,25,000/- and fled away. And when informant demanded the remaining amount he was abused by taking his caste name and also assaulted by the appellants.

Submission of learned counsel for the appellants is that there is delay of about 10 months in lodging complaint case which was later on registered as FIR and so far allegation of abuse by taking caste name is concerned, the same is ornamental in nature.



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, as stated above, let appellants, named above, surrender in the court below within a period of six weeks from the receipt of this order and on surrender they shall be released on bail 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 (ST/ST Act), Araria, in connection with Special Case No. 76 of 2018, arising out of Araria SC/ST P.S.Case No. 29 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors of the appellants shall be a local person having sufficient immovable properties within the jurisdiction of court concerned and they have to co-operate in investigation, otherwise their bail bonds shall be cancelled.

Accordingly, this appeal is allowed and the impugned order dated 29.8.2018 is set aside.

(Vinod Kumar Sinha, J)

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