

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4632 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- SC/ST District- Darbhanga

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1. Kaushal Kishore Jha, Son of Late Raghubir Jha
 2. Nawal Kihosre Jha, Son of Late Raghubir Jha
 3. Jiwan Kishore Jha, Son of Late Raghubir Jha
 4. Bijay Kishoe Jha, Son of Late Raghubir Jha
 5. Raju Kishore Jha, Son of Kaushal Kishore Jha
 6. Rajiv Kumar Jha, Son of Nawal Kishore Jha
 7. Rabish Kumar Jha, Son of Nawal Kishore Jha, All are Residents of Village-Shobhepatti, Thalwara, P.S. Ashok Paper Mill (Bahadurpur), Distt.-Darbhanga

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Anjani Kumar Jha, Advocate
For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 11.10.2018 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Darbhanga, in A.B.P. No.1344 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Darbhanga SC/ST P.S. Case No. 8 of 2017, registered under Sections 147, 341, 323, 3379, 427, 504 of the Indian Penal Code and Sections 3(i)(r) & 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have abused the informant by taking caste name and also assaulted him.

Submission of learned counsel for the appellants is that with respect to the same occurrence two cases have been filed, one is complaint



case and another is present one and no specific allegation has been attributed against them.

Heard learned Special P.P. and learned counsel for the informant, who has opposed the prayer for anticipatory bail of the appellants stating that there is allegation of abusing the informant against the appellants.

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, Darbhanga, in connection with Darbhanga SC/ST P.S.Case No. 8 of 2017, 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 11.10.2018 is set aside.

(Vinod Kumar Sinha, J)

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Transmission Date	

