

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3066 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- SC/ST District- East Champaran

1. BABOOLAL SINGH Son of Late Lakhman Singh Resident of Village - Jaisinshpur Tola, Rajpur, P.S.- Turkaulia, Dist.- East Champaran.
2. Raj Kumar @ Raj Kumar Singh Son of Baboolal Singh Resident of Village - Jaisinshpur Tola, Rajpur, P.S.- Turkaulia, Dist.- East Champaran.
3. Chandrika Singh Son of Late Surya Singh Resident of Village - Jaisinshpur Tola, Rajpur, P.S.- Turkaulia, Dist.- East Champaran.
4. Awadhesh Singh Son of Late Surya Singh Resident of Village - Jaisinshpur Tola, Rajpur, P.S.- Turkaulia, Dist.- East Champaran.
5. Mahabir Singh Son of Chandrika Singh Resident of Village - Jaisinshpur Tola, Rajpur, P.S.- Turkaulia, Dist.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 16-11-2019 Heard both sides.

The appellants seek pre-arrest bail in Motihari SC/ST P.S. case No. 35/2019 registered under Section 341, 323, 354, 447, 504, 506/34 of the IPC and u/s 3(i)(r)(s) of SC/ST Act.

The informant disclosed that on 27.03.2019 she had gone to attend the call of nature towards northern side of her house and while she was returning her neighbours, the petitioners, asked reason from the informant to go into the field of the petitioners. On such, the informant objected but the petitioners are alleged to have abused and assaulted the informant.

The learned counsel for the appellants submits that the



occurrence took place on 27.03.2019 but the FIR was lodged on 01.04.2019. There is inordinate delay in lodging the FIR and this fact itself shows falsity of the prosecution allegation. In fact the informant went to the field of the appellants and damaged the crops for which the appellants asked her on such the informant lodged this case making false and frivolous allegation after consulting her family members.

Considering the facts aforesaid and nature of allegation made against the appellants, the appellants, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I -cum- Special Judge, SC/ST, East Champaran, Motihari in connection with Motihari SC/ST P.S. case No. 35/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Prabhat Kumar Jha, J)

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