

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3511 of 2019**

Arising Out of PS. Case No.-103 Year-2019 Thana- MAHUA District- East Champaran

1. Dabloo Pandey @ Sumit Pandey @ Sumit Kumar Son of Manoj Pandey Resident of Village - Pachhiyari, P.S.- Mahuwa, Distt - East Champaran.
2. Manoj Pandey @ Manoj Kr. Pandey Son of Sri Narayan Pandey Resident of Village - Pachhiyari, P.S.- Mahuwa, Distt - East Champaran.
3. Arun Pandey @ Arun Kr. Pandey Son of Sri Narayan Pandey Resident of Village - Pachhiyari, P.S.- Mahuwa, Distt - East Champaran.
4. Prince Pandey Son of Arun Pandey Resident of Village - Pachhiyari, P.S.- Mahuwa, Distt - East Champaran.
5. Himanshu Pandey @ Himanshu Kumar Pandey Son of Arun Pandey Resident of Village - Pachhiyari, P.S.- Mahuwa, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Pramod Kumar Pandey  
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      16-11-2019                      The petitioners seek pre-arrest bail in connection with Chhauradano (Mahuwawa) PS case no. 103 of 2019 for the offence punishable under Sections 341, 323, 448, 427, 436, 354AB, 379, 504, 506/34 of Indian Penal Code and Sections 3(i)(r)(s)(v)(d) of SC/ ST (POA) Act.

The allegation levelled in the First Information Report is regarding the petitioners having come to the house of the informant and having called him and his family members by their caste name i.e. “Lohar” as also having set their hut on fire



and further, they had indulged in a scuffle with the informant and his family members.

The learned counsel for the petitioners submits that infact, the hut in question belongs to the petitioners and a compromise has already taken place amongst the petitioners and the informant of the present case. It is further submitted that a false story has been cooked up in order to implicate the petitioners in the present case and get them arrested and actually the present case arises out of this case as also a counter case lodged by the petitioners.

Heard the learned counsel for the parties.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and appropriate to direct the petitioners to surrender before the learned court below within a period of six weeks from the date of receipt/ production of a copy of this order and on surrender, the petitioners shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the lime amount each to the satisfaction of 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Chhauradano (Mahuwawa) PS case no. 103 of 2019, 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 26.06.2019 passed by the 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari in Anticipatory bail petition no. 1566 of 2019 is set aside.

**(Mohit Kumar Shah, J)**

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