

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3322 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- HASANPUR District- Samastipur

1. PRABHAT SINGH @ PRABHAT KUMAR SINGH Son of Late Jay Jay Ram Singh Resident of Village- Hasanpur, Police Station- Hasanpur, District- Samastipur.
2. Sujeet singh @ Sujeet Kumar Singh Son of Bhathu Singh Resident of Village- Hasanpur, Police Station- Hasanpur, District- Samastipur.
3. Avinash Singh @ Avinash Kumar Singh Son of Late jay Jay Ram Singh Resident of Village- Hasanpur, Police Station- Hasanpur, District- Samastipur.
4. Painter Singh Son of Debkant singh Resident of Village- Hasanpur, Police Station- Hasanpur, District- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-11-2019 Appellants seek pre-arrest bail in connection with Hasanpur P.S.Case No. 130 of 2019 registered for the offences punishable under Sections 147, 323, 341, 342, 504, 506, 354/34 of the Indian Penal Code and Section 3 (i)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR accused persons, including the appellants came to the house of the informant and started abusing him by taking his caste name and forcibly taken him to Thakur Bari where he was assaulted by lathi and danda and there is specific allegation against appellant No.1 that he assaulted and



demanded extortion from the informant.

Submission of learned counsel for the appellants is that there was dispute between Mukhiya and Up-Mukhiya and appellant No.1 happens to be Up-Mukhiya, as such he has falsely been implicated and there is nothing specific of assault against the appellants and injuries are found to be simple in nature and during investigation some of the witnesses have not stated about abuse and not supported the prosecution case.

Heard learned counsel for the State.

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 three 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, Samastipur, in connection with Hasanpur P. S. Case No. 130 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.



Accordingly, this appeal is allowed and the impugned
order dated 10.7.2019 is set aside.

(Vinod Kumar Sinha, J)

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