

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3585 of 2019

Arising Out of PS. Case No.-263 Year-2019 Thana- CHIRAIYA District- East Champaran

1. Sakali Devi Wife of Mahendra Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
2. Shanichari Devi Wife of Banarsi Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
3. Ajay Kumar Kushwaha @ Ajay Prasad Kushwaha @ Ajay Prasad Kashwaha Son of Banarsi Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
4. Vijay @ Vijay Kumar @ Pawan Kumar Son of Banarsi Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
5. Sanjay Prasad @ Sanjay Prasad Kushwaha @ Sanjay Kumar Prasad Son of Mahendra Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
6. Akash Kumar @ Mauje Lal @ Mauje Lal Kumar Son of Mahendra Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
7. Subodh Kumar Son of Banarsi Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
8. Mahendra Mahto Son of Banarsi Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
9. Janarsi Mahto Son of Rajdhari Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.
10. Banarsi Mahto Son of Rajdhari Mahto Resident of Village - Dipahi, P.S.- Chiraiya, District - East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Karandeep Kumar
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 Chiraiya PS case no. 263 of 2019 for the offence

punishable under Sections 341, 323, 324, 504, 506/34 of Indian



Penal Code and Sections 3(i)(r) of SC/ ST (POA) Act.

The allegation of the informant is that the petitioners had come to the house of the informant and threatened the informant and his family members as to how they had indulged in altercation with the family members of the petitioners, whereafter scuffle is said to have taken place and the petitioners are said to have taken the caste name of the informant and his family members namely "*Loharin*".

The learned counsel for the petitioners has submitted that the petitioners are having clean antecedent and a bare perusal of the case diary would show that no bodily injury has been found on the person of either the informant or his family member and there is no whisper with regard to any such incident, as such, the petitioners are entitled to pre-arrest bail.

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 like amount



each to the satisfaction of 1st A.D.J.-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Chiraiya PS case no. 263 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 25.07.2019 passed by the 1st A.D.J.-cum-Special Judge, SC/ST Act, Motihari, East Champaran in Anticipatory bail petition no. 1919 of 2019 is set aside.

(Mohit Kumar Shah, J)

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