

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3596 of 2018

Arising Out of PS. Case No.-14 Year-2018 Thana- SC/ST District- Siwan

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1. Binod Kumar Singh, S/o Late Rajdeo Singh,
 2. Pappu Singh @ Ajit Kumar S/o Late Rajdeo Singh,
 3. Ram Niwas Singh @ Srinivas Singh S/o Aashdeo Singh, All are R/o Vill.- Chaurasi, P.S.- Bhagwanpur , District- Siwan (Bihar). At present R/o Vill.- Karhi Khurd P.S.- Basantpur , District- Siwan (Bihar).

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-01-2019 Appellants seek pre-arrest bail in connection with Maharajganj SC/ST P.S.Case No. 14 of 2018 registered for the offences punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1) (4) (5)/3(ii)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they are intentionally flowing the latrine water in the land of the informant and gas pipe was fixed towards the widow of the house of the informant and when he protested the same, the accused appellants put on towel in the neck of informant and started to pull him and assaulted him and also abused him by



taking his caste name.

Submission of learned counsel for the appellants is that prior to the occurrence an informatory petition was filed before the Sub-Divisional Officer for the plot of land which the informant has purchased and allegation of abuse by taking caste name is ornamental in nature to make the case serious. It is further submitted that appellant No.1 is living at Banglore and appellant No.2 is running school.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants stating that there is allegation against the appellants of assault and abuse by taking caste name.

Having heard both sides and in the facts and circumstances, as stated above, and as there is land dispute between the parties, let appellants, named above, surrender in the court below within a period of six 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 District and Sessions Judge-I-cum-Special Judge (ST/ST Act), Siwan in connection with SC/ST P.S.Case No. 14 of 2018, 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 immoveable 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 27.8.2018 is set aside.

(Vinod Kumar Sinha, J)

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