

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4614 of 2018**

Arising Out of PS. Case No.-294 Year-2017 Thana- RAJPUR District- Buxar *

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1. Abhijeet Upadhyay @ Abhijeet Kumar Upadhyay Son of Ramakant Upadhyay
 2. Hira Lal Upadhyay Son of Late Ramdular Upadhyay
 3. Sipu @ Sipu Upadhyay @ Amit Upadhyay Son of Vishwamitra Upadhyay.
All resident of Village- Bharakhara, P.S.- Rajpur, Dist- Buxar, Bihar.

... .. Appellant/s

Versus

1. State Of Bihar and Anr Bihar
2. Rina Devi Wife of Hareram Rajak R/o Village- Bharakhara, P.S.- Rajpur,
Distt. Buxar, Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 29-03-2019

Heard the parties.

The appellants are apprehending their arrest in connection with Rajpur P.S.Case No.294 of 2017 dated 10.11.2017 , registered for offences punishable under Sections 341, 323, 504,34 of the Indian Penal Code and Section 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act.

Allegation as per FIR is that the informant is residing at the government land and the accused persons including the appellants came and assaulted their cow and also snatched away one 'Sikari' and nose pin.

Submission of the learned counsel for the appellants is that the informant has actually encroached the 'Aam Rasta' and as Vishwamitra Upadhyaya , one of the co-accused has filed a petition before the Lok Jan Sikayat Niwaran Padadhihari, Sub-



division , Buxar an order has been passed by him showing the encroachment by the informant, the present case has been filed.

Heard learned Spl.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge -1st -cum- Spl. Judge SC/ST, Buxar in connection with Rajpur P.S.Case No.294 of 2017 dated 10.11.2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

