

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4474 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- LODIPUR District- Bhagalpur

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1. FUCHU MANDAL @ KUCHO MANDAL @ FUTWA MANDAL @ ASHUTOSH KUMAR @ FUTBO MANDAL and ANR Son of Sri Brahmddeo Mandal
 2. Brahmddeo Mandal Son of Late Sunder Mandal @ Tito Mandal Both Resident of Village-Lodipur Khurd,P.S. Lodipur,Distt.-Bhagalpur

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Gupta, Advocate
For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 5.10.2018 passed by 3rd Additional District and Sessions Judge-Special Judge, Bhagalpur in ABP No. 2232 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who are made accused in Lodipur P.S.Case No. 122 of 2018 registered under Sections 323/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have assaulted the informant as they were trying to pickup mango and against them allegation of theft has been made.

Submission of learned counsel for the appellants is that there is case and counter case between the parties and allegations are superficial in nature.

Heard learned Special P.P.



Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, 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 3rd Additional District and Sessions Judge-cum-Special Judge, Bhagalpur, in connection with Lodipur P.S.Case No. 122 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 5.10.2018 is set aside.

(Vinod Kumar Sinha, J)

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Uploading Date	
Transmission Date	

