

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4527 of 2018

Arising Out of PS. Case No.-380 Year-2018 Thana- BIHPUR District- Bhagalpur

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1. Mithun Yadav, Son of Dilip Yadav,
 2. Amit Kumar Yadav, Son of Tuko Yadav @ Sanjay Yadav,
 3. Guddu @ Neeraj Yadav, Son of Mahabir Yadav,
 4. Mahabir Yadav, Son of Late Ladho Yadav,
 5. Manna Yadav, Son of Tuko Yadav @ Sanjay Yadav, All residents of Village-
Madhurapur, P.S.- Bhawanipur (Bihpur), District- Bhagalpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Pranav Kumar Jha, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 31.10.2018 passed by Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in ABP No. 2516 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Bihpur (Bhawanipur) P.S.Case No. 380 of 2018 registered under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per FIR is of assaulting Kundan Yadav and of abusing the informant by caste name.

Submission of learned counsel for the appellants is that in this case no such case has been leveled by the informant and he has filed a petition to that effect before the DIG of Police and also in the court of Special Judge, which will appear from Annexures- 4, 5 & 6.



Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, surrender 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 & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with Bihpur(Bhawanipur) P.S.Case No.380 of 2018, corresponding to G.R.No. 5261 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 31.10.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

