

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4681 of 2019**

Arising Out of PS. Case No.-254 Year-2018 Thana- MAHUA District- Vaishali

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1. MANOJ PATEL @ MANOJ KUMAR S/o Ramprit Patel R/o Village- Kanhauli Bishan Parsi, P.S.- Mahua, District- Vaishali
  2. Subhash Patel @ Subhash Kumar S/o Arun Kumar @ Arun Patel R/o village- Kanhauli Bishan Parsi, P.S.- Mahua, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Sanjeev Kumar  
For the Respondent/s : Mr.Usha Kumari 1

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

3      16-12-2019                      Appellants seek pre-arrest bail in connection with Mahua P.S.Case No. 254 of 2018 registered for the offences punishable under Sections 341, 323, 504, 506, 379, 385/34 of the Indian Penal Code and Section 3(i) (r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR allegation against the appellants that they came variously armed and started abusing the informant and there is also allegation against appellant No.1 that he abused the informant by taking caste name and demanded extortion from the informant.

Submission of learned counsel for the appellants is that there is no specific allegation against appellant No.2 and the



land belongs to appellant No.1 on which informant was making construction work, which was protested, due to which he has falsely been implicated. It is further submitted that other co-accused persons have been granted anticipatory bail by order dated 5.11.2019 passed in Cr.Appeal(SJ) No. 4108 of 2019.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants stating that against other co-accused persons, who have been granted bail, there is no specific allegation.

Having heard both sides and in the facts and circumstances, as stated above, let appellant No.2, named above, surrender in the court below within a period of six weeks from the receipt of this order and on surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 254 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 appellant shall be a local person having sufficient immovable properties within the jurisdiction of court concerned.



So far appellant No.1 is concerned, I am not inclined to grant the privilege of anticipatory bail to him. He may surrender and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

Accordingly, so far appellant No.2 is concerned, this appeal is allowed and the impugned order dated 16.8.2019 is set aside.

This appeal is disposed of.

**(Vinod Kumar Sinha, J)**

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