

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2360 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- JANDAHA District- Vaishali

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1. Dharmendra Rai, S/o Ram Bhavan Rai,
 2. Gaju Rai S/o Ram Bhavan Rai,
 3. Ram Pravesh Rai S/o Pachu Rai,
 4. Manish Rai S/o Malnu Rai, All are R/o Vill.- Sohrathi, P.S.- Jandaha, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

Criminal Appeal (SJ) No. 3810 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- JANDAHA District- Vaishali

Raushan Rai @ Raushan Kumar Rai S/o Birendra Rai, Resident of Village- Soharthi, P.S. Jandaha, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In Criminal Appeal (SJ) No. 2360 of 2018)

For the Appellant/s : Mr.Anuj Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

(In Criminal Appeal (SJ) No. 3810 of 2018)

For the Appellant/s : Mr.Manish Chandra Gandhi

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-01-2019 Both the aforesaid two Cr. Appeals arise out of one police station case number. As such, they have been heard together and are being disposed of with this common order.

Heard the parties.

The appellants seek pre-arrest bail in Jandaha



P.S.Case No.78 of 2018 registered for the offences under Sections 147, 148, 149, 448, 323, 307, 380, 354, 427, 504, 379 of I.P.C. and Section 3 (I) (r) (w) (p) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per the F.I.R. against the appellants is that as the mother of the informant is chowkidar, the police had come to her house and in course of talking about warrantee two miscreants came on motor cycle along with one sac containing wine but on seeing them they succeeded in fleeing leaving the motorcycle along with sac of wine and the police took away the said motor cycle and thereafter the appellants came over there and started strangulating her and assaulted abusing her caste name also upon which the informant came to save his mother he was also assaulted.

Submission of the learned counsel for the appellants is that one excise case has been lodged for which case diary was called for which disclosed nothing and so far as the abuse by calling her caste name is concerned, the place of occurrence is the house of the mother of the informant and not the public view and though there is allegation of assault but injury is superficial in nature.

Heard the learned Special P.P. also who opposed the



prayer for bail of the appellants.

Having heard both sides and in view of the facts and circumstances of the case, let the appellants in both the aforesaid two appeals in the event of their arrest or surrender before the learned court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Vaishali at Hajipur, in Jandaha P.S.Case No.78/18 subject to the conditions as laid down under Section 438(2) of Cr.P.C. and with further condition that they will cooperate in investigation.

Accordingly, the appeals are allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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