

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4971 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- DHANAHA District- West Champaran

1. JALEKHA KHATOON Wife of Jali Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.
2. Satar Khatoon @ Hasantara Khatoon Daughter of Jail Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.
3. Jalil Mian Son of Hanif Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.
4. Sikandar Mian Sonof Hanif Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.
5. Anish Mian Son of Jalil Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.
6. Amir Mian Son of Jalil Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.
7. Hanif Mian Son of Chakati Mian Resident of Village- Ghevdahi, P.S.- Dhanha, District- West Champaran, Bettiah.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Suresh Prasad Sharma
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-12-2019 Appellants seek pre-arrest bail in connection with Dhanha P.S.Case No. 128 of 2019 registered for the offences punishable under Sections 341, 323, 448, 379, 504, 34 of the Indian Penal Code and Section 3 (i)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case appellant No.3 is said to have abused the informant and also assaulted her by bricks and there



is also allegation against other appellants that they assaulted the informant and her family members.

Submission of learned counsel for the appellants is that FIR itself shows that occurrence took place not in public view and moreover there is general and omnibus allegation against the appellants. Further submission is that there is case and counter case between the parties and case filed by the side of appellants is earlier to the present case.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellants.

Having heard both sides and in the facts and circumstances, as stated above, let appellants, named above, surrender in the court below 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 Judge-I-cum-Special Judge (ST/ST Act), West Champaran, Bettiah, in connection with Dhanha P.S. Case No. 128 of 2019, 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 appellants shall be a local person having sufficient



immoveable properties within the jurisdiction of court
concerned.

Accordingly, this appeal is allowed and the impugned
order dated 16.10.2019 is set aside.

(Vinod Kumar Sinha, J)

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