

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5107 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- SC/ST District- East Champaran

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AJAY KUMAR SINGH @ AJAY SINGH Son of Late Jagarnath Singh @ Jagannath Singh Resident of Village - Phenhara, P.S.- Chiraiya, Distt.- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Surekhan Devi W/o Upendra Ram Resident of Village - Phenhara, P.S.- Chiraiya, Distt.- East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-12-2019 Appellant seeks pre-arrest bail in connection with Motihari SC/ST P.S.Case No. 59 of 2019 registered for the offences punishable under Sections 341, 323, 354A, 504, 506 of the Indian Penal Code and Section 3 (i)(a)(r)(s)(w) (i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR while informant was cultivating land appellant and other accused persons came there and forcibly started ploughing the land and abused her by taking caste name and also assaulted her and torn her clothes.

Submission of learned counsel for the appellant is that as a matter of fact the title suit with respect to the said land was decided in favour of uncle of appellant and land is in their possession but in spite of that he was cultivating the land and false allegation has been



made.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellant stating that as per FIR case under the provisions of SC/ST Act is made out against the appellant, as such this appeal is not maintainable.

Having heard both sides and in the facts and circumstances, as stated above, let appellant, 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, East Champaran, Motihari, in connection with Motihari SC/ST P.S.Case No. 59 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 appellant shall be a local person having sufficient immovable properties within the jurisdiction of court concerned.

Accordingly, this appeal is allowed and the impugned order dated 21.10.2019 is set aside.

(Vinod Kumar Sinha, J)

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