

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4796 of 2018

Arising Out of PS. Case No.-129 Year-2018 Thana- CHOUTARWA District- West
Champaran

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1. Pramod Patel, Son of Shri Paramhans Patel
 2. Lal Bahadur Patel @ Lal Bahadur Kumar Patel, Son of Bijay Patel, Both are Residents of Village - Siktaur, P.S.- Chautarwa, District - West Champaran

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No.-7, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 16.11.2018 passed by Additional District and Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in A.B.P. No.2193 of 2018 by which learned Sessions Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Chautarwa P.S.Case No. 129 of 2018, registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they enquired about the informant, who is son of Mukhiya. However, he fled away and thereafter they went to the house of informant and abused him by caste name.

Submission of learned counsel for the appellants is that there is no allegation of assault against them and so far allegation of abusing him is concerned, the same has happened in the house of the informant and not in public place.



Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, 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 and Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Chautarwa P.S. case No. 129 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 16.11.2018 is set aside.

(Vinod Kumar Sinha, J)

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Transmission Date	

