

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4798 of 2018

Arising Out of PS. Case No.-511 Year-2018 Thana- PURNEA SADAR District- Purnia

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1. Md. Abul @ Md. Abul Nadaf, Son of Md. Najir
 2. Bishwanath Singh, Son of Sakkal Singh, Both are Resident of Village - Kaliganj, P.S.- Mufassil, District - Purnea

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Raj Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, 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 Sessions Judge-I-cum-Special Judge, Purnea, in A.B.P. No.79 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Sadar (M) P.S.Case No. 511 of 2018, registered under Sections 341, 342, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(x)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is of abusing and assaulting the informant and also of taking away his motorcycle.

Submission of learned counsel for the appellants is that informant's father has taken Rs.30,000/- for cutting the soil and after death of informant's father the appellants were not allowed to cut the soil and for that scuffle took place between the parties and in such a situation no offence under Section 3 of SC/ST Act is made out against them.



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 Sessions Judge-I-cum-Special Judge, Purnea, in connection with Sadar (M) P.S. case No. 511 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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CAV DATE	
Uploading Date	
Transmission Date	

