

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5333 of 2019

Arising Out of PS. Case No.-142 Year-2017 Thana- NAUTAN District- West Champaran

1. Sanjay Singh Son of Late Thag Singh Resident of Village - Mangalpur Kalan, P.S.- Nautan, District - West Champaran, Bettiah, Bihar.
2. Ravi Singh Son of Sanjay Singh Resident of Village - Mangalpur Kalan, P.S.- Nautan, District - West Champaran, Bettiah, Bihar.
3. Rakesh Kumar @ Rakesh Singh Son of Late Ramasaray Singh Resident of Village - Mangalpur Kalan, P.S.- Nautan, District - West Champaran, Bettiah, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-12-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants apprehend their arrest in a case registered for the offence punishable under sections 341,342,323,325,384,379,504,506 and 34 of the Indian Penal Code and section 3(1)(r) of the S.C and S.T (POA) Act.

As per the allegation in the FIR, six named accused persons including three appellants herein are said to have been assaulted the informant and further the appellant no.1 is stated to have abused the informant by the name of his caste. The allegation of taking away of mobile phone, a golden chain and a



sum of Rs. 10000/- etc. has also been levelled.

It is submitted by learned counsel for the appellants that in course of investigation the Investigating Officer had issued notice under section 41 of the Cr.P.C. on which the appellants appeared before him and they were released on bail after execution of bail bonds. It is further submitted that they have been fully cooperating in the investigation and have never misused the privilege of bail.

It is further submitted by learned counsel for the appellants that subsequently chargesheet has been submitted in the case and cognizance of the offence has been taken and summons has been issued to the appellants to appear and as such they are in apprehension that on their appearance they may be taken into custody.

The application for bail was opposed by learned Special P.P. for the State.

In view of the facts and circumstances, it is admitted position in the instant case that the appellants were released by the police after execution of bonds before submission of chargesheet. The application for anticipatory bail thus would not be maintainable and the same is dismissed.

However, in the facts and circumstances of the case, if



the appellants appear before the court of learned 1st Additional Sessions Judge-cum- Special Judge, (SC/ST/P.O.C.S.O.) Bettiah, West Champaran within six weeks from today and pray for regular bail, they should not be remanded to judicial custody, if they furnish bonds and sureties to the satisfaction of the court.

(Partha Sarthy, J)

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