

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3756 of 2018

Arising Out of PS. Case No.-185 Year-2017 Thana- MAHKAR District- Gaya

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1. Bipul Kumar son of Rajesh Prasad.
 2. Bipendra Kumar @ Bipendar Kumar son of Madheshwar Prasad. Both are resident of Village- Naili, Police Station- Mahkar, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No-2, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-01-2019 The appellants seek pre-arrest bail in connection with Mahkar P.S. Case No. 185 of 2017, registered for offences punishable under Section 302 of the Indian Penal Code and Section 3(i)(r), 5, 2(va) of SC/ST (Prevention of Atrocities) Act.

Allegation as per F.I.R. against the appellants is that they caught hold the father of the informant, abused him by taking caste name and also assaulted him, due to which he received injury and succumbed to death.

Submission of learned counsel for the appellants is that as a matter of fact that the deceased had illicit relation with the wife of one Ashok Mahto and the deceased was went to meet with her, where he was caught and when the deceased was trying to flee away then he received injury due to which he



succumbed to the injury and nobody has assaulted him, which will clear from para 12 of the case diary and also from other paras.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case as stated above, let appellants, above named, be surrendered within a period of six weeks and on surrender they will release on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Mahkar P.S. Case No. 185 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that they will cooperate in investigation of the case and appear as and when required by the police, otherwise their bail bonds shall be cancelled.

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

(Vinod Kumar Sinha, J)

Amjad/-

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