

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4063 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- SC/ST District- Jehanabad

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1. Rakesh Singh Son of Sitav Singh
 2. Dinesh Singh Son of Ritlal Singh
 3. Wakil Singh Son of Late Ram Swaroop Singh All the above are Resident of Village- Nandpura, Police Station Paras Bigha, Distt.-Jehanabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deoeshwar Prasad Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-01-2019

At the very outset, learned counsel for the appellants has submitted that appellant nos. 1 and 2 during pendency of this appeal has already been taken into custody, as, such, this appeal with regard to appellant nos. 1 and 2 has become infructuous and he may be permitted to withdraw the appeal with regard to appellant nos. 1 and 2.

Permission is accorded.

Accordingly, this appeal so far appellant nos. 1 and 2 is concerned is dismissed as withdrawn having become infructuous.

So far appellant no. 3 is concerned, he seeks pre arrest bail in connection with Jehanabad SC/ST P.S. Case No. 43 of 2018, registered for offences punishable under Sections 147, 148, 149, 323, 324, 326, 307, 504, 509 of the Indian Penal Code and Section 30 (R)(S)(W)/ 3(2)(V) (VA) of the SC/ST Act.



Allegation is that appellant along with other accused persons came and abused the informant by caste name and also assaulted him.

It has been submitted on behalf of the appellant no. 3 that no specific allegation either of abusing by caste name or of assault has been attributed to appellant no. 3 and further there is case and counter case between the parties.

Heard learned Special P.P. also.

Having heard both sides, in view of the above facts, let the appellant no. 3, in the event of his arrest or surrender in the Court below, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad, in connection with Jehanabad SC/ST P.S. Case No. 43 of 2018, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

Accordingly, this appeal with regard to appellant no. 3 is allowed and impugned order relating to appellant no. 3 is set aside.

(Vinod Kumar Sinha, J)

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