

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5553 of 2019**

Arising Out of PS. Case No.-30 Year-2017 Thana- BHANGHA District- West Champaran

DEEPAK PATEL Son of Dhrup Narayan Patel Resident of Village -  
Chapariya Tola, P.S.- Bhangaha, Distt - West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Bimlesh Kumar Pandey  
For the Respondent/s : Ms.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      17-12-2019                      Appellant seeks pre-arrest bail in connection with Bhangaha P.S.Case No. 30 of 2017 registered for the offences punishable under Sections 341, 323, 506 of the Indian Penal Code and Section 3 (i)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR appellant was not allowing the informant and others to use the public toilet and her husband has not made any complaint about the same but appellant entered inside the house of informant and assaulted her by fists and slaps.

Submission of learned counsel for the appellant is that FIR does not disclose any case under SC/ST Act and earlier to that appellant has filed a case against the informant and others though it was registered later on and due to that the present case has been filed. It has further been submitted that there is nothing



in the FIR to show that informant was assaulted in public view.

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail of the appellant.

Having heard both sides and in the facts and circumstances, as stated above, let appellant, named above, surrender in the court below within a period of six weeks from the receipt of this order and on surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Bhangaha P.S.Case No. 30 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors of the appellant shall be a local person having sufficient immovable properties within the jurisdiction of court concerned.

Accordingly, this appeal is allowed and the impugned order dated 13.11.2019 is set aside.

**(Vinod Kumar Sinha, J)**

spal/-

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