

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3875 of 2018

Arising Out of PS. Case No.-78 Year-2017 Thana- KAMTAUL District- Darbhanga

1. Satyendra Thakur and Anr Son of Shyam Sunder Thakur
2. Sushil Thakur Son of Brij Kishore Thakur Both are Resident of Village-
Bramhpur P.S.-Kamtaul, Distt.-Darbhanga State-Bihar

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishnu Kant Dubey
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-01-2019 Heard the parties.

The appellants seek pre-arrest bail in Kamtaul P.S.Case No.78 of 2017 registered under Sections 341, 307/34 of the I.P.C., Section 27 of Arms Act and Section 3 (i) (r) (s) of SC/ST (POA) Act.

Allegation against the appellant no.1 is of abusing the informant by taking his caste name and there is allegation of indiscriminate firing against both the appellants.

Submission of the learned counsel for the appellants is that none has received any injury. The whole allegation is false, concocted and not probable. So far appellant no.2 is concerned, there is allegation of indiscriminate firing but nobody has received any injury. Whereas allegation of abuse taking caste name is against appellant no.1 which has also been supported by some witnesses.

Heard the learned Special P.P. also.



Having heard both sides and in view of the facts and circumstances of the case, so far appellant no.1 is concerned, he should surrender before the learned court below and pray for regular bail which shall be considered on its own merit without being prejudiced by this order. So far the appellant no.2, above named, is concerned, he in the event of his arrest or surrender before the learned court below within a period of six weeks from today be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-1st. -cum-Special Judge, (SC/ST POA Act)Darbhanga, in Kamtaul P.S.Case No.78 of 2017 subject to the conditions as laid down under Section 438(2) of Cr.P.C. and bailors of the appellants will be of local having sufficient movable and immovable properties within the jurisdiction of the court concerned.

Accordingly, this appeal is allowed and with above direction the impugned order is set aside so far appellant No.2 is concerned.

(Vinod Kumar Sinha, J)

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