

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1295 of 2017

Arising Out of PS.Case No. -131 Year- 2016 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Gumma Kumar, Son of Sri Ganesh Mahato,
2. Suman Kumar, son of Sri Parmeshwar Mahato,
3. Parmeshwar Mahato, Son of Late Sadhu Mahato.
4. Gorka Prasad, Son of Sri Chandar Mahato,
5. Chandar Mahato, Son of Late Toran Mahato, all resident of Village-
Chainpur, P.S.- Khodaganj, District- Nalanda.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-06-2017 The appellants seek pre arrest bail in connection with

Khudaganj P.S.Case No.131 of 2016 registered for offences

punishable under Sections 147, 149, 504, 506, 307 & 447 Indian

Penal Code and section 3(i)(x) of SC/ST Act.

Allegation against the appellants is that they assaulted the

informant and his family members and also threatened them to

remove from the village.

It has been submitted on behalf of the appellants that no

case is made out under the S.C. & S.T. (Prevention of Atrocities)

Act. Apart from that a case had been filed by the appellants

before filing of this case and to save skin from the earlier case



filed by the appellants, the present case has been filed. It is further submitted that all the injuries are simple in nature, except one injury; about which opinion has been kept reserved.

Heard learned Special P.P. also.

Having heard both sides and in view of allegation, let the appellants surrender before the special court and make prayer for regular bail, which will be considered by the Special Judge on the basis of submissions that earlier a case had been filed by the appellants before filing of the present case and the injuries are simple in nature except one injury, about which opinion has been kept reserved as well as no specific allegation of assault has been alleged against any of the appellants.

Considering submissions and materials available on the record, the learned Special Judge shall dispose of the prayer for bail of the appellants, if possible on the same day without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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