

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1459 of 2017

Arising Out of PS.Case No. -320 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR
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1. Sito Chaudhary,
2. Vijay Chaudhary, Sons of Shri Upendra Choudhary, Resident of
Village- Nagargawan P.S.- Dalsingsarai, District- Samastipur.

.... Appellants

Versus

The State of Bihar.

.... Respondent
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Appearance :

For the Appellant/s : Mr. Aaruni Singh, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.
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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 11.4.2017 passed in A.B.P. No. 537 of 2016 by
Additional Sessions Judge-I, Samastipur, arising out of
Dalsinghsarai P.S.Case No. 320 of 2016 registered for the
offences under Sections 341, 323, 504/34 of the Indian Penal Code
and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation against the appellants as per FIR is that
they have abused the informant by taking his caste name and also
threatened him to vacate the land.

It has been submitted on behalf of the appellants that



FIR itself shows that there is land dispute between the parties and further the allegation is general and omnibus and no specific allegation has been attributed to the appellants, as such, no case is made out against the appellants.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(x) of the Act is made out against the appellants, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable. Let appellants surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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