

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1780 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -SC/ST District- JAMUI

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1. Horil Yadav S/o Late Lachhu Yadav
2. Fuleshwar Yadav @ Fulo Yadav S/o Late Lachhu Yadav
3. Ravindra Yadav @ Ravindra Kumar @ Arbind Yadav S/o Fuleshwar Yadav @ Fulo Yadav
4. Jitendra Kumar @ Jeetan Yadav S/o Fuleshwar Yadav @ Fulo Yadav
5. Pankaj Yadav S/o Horil Yadav
6. Nandu Yadav S/o Horil Yadav All are residents of Village - Dholkatwa, Nagdi Moh, P.S. - Gidhaur, District - Jamui.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 At the very outset, it is submitted on behalf of the appellants that so far appellant nos. 1 and 2 is concerned, they have been arrested, as such this appeal against appellant no.1 and 2 has become infructuous and so far appellant no.3 is concerned he has not been sent up for trial by the police as such, he is not pressing appeal of appellant no.3.

The appellant seeks pre arrest bail in connection with Jamui S.C. & S.T. P.S.Case No.46 of 2016 registered for offences punishable under Sections 341, 323, 504 & 354/34 of the Indian Penal Code and Section 3 (i) (x) (xi) of SC/ST (Prevention of Atrocities) Act.



The allegation against the appellants is that they dragged the informant from the house to the road and she was also assaulted but submission of the learned counsel for the appellants is that there is general and omnibus allegation against the appellants and it is further submitted that there is a land dispute between the parties and for that a Title Suite is going on between them.

Heard learned Special P.P. also, who has opposed the prayer for pre arrest bail on the ground that there is *prima facie* case against the appellants.

Having heard both sides and in view of the facts and circumstances, this appeal is not maintainable.

Let appellant No.4 (Jitendra Kumar @ Jeetan Yadav), appellant No.5 (Pankaj Yadav) and No.6 (Nandu Yadav) surrender before the special court and make prayer for regular bail, which will be considered by the court of learned Special Judge on the basis of submissions that a title suit is pending between the parties and no specific allegation of assault has been mentioned against any of the appellants and considering the aforesaid submission as well as other materials available on the record, he will pass appropriate order without being prejudiced by the order of this Court in respect of appellant Nos. 4, 5 & 6.



So far appeal relating to Appellant No.1 to 3 is concerned, it has become infructuous.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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