

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1661 of 2017

Arising Out of PS.Case No. -114 Year- 2017 Thana -SUPAUL District- SUPAUL

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1. Rajo Mandal @ Raju Mandal, S/o Late Dhalai Mandal, resident of Ward No.27, Jhakrahi, Supaul, P.S.- Supaul, District- Supaul.
2. Rajesh Kumar Gupta @ Raju Gupta @ Rajesh Kumar, S/o Damodar Gupta, resident of Ward No.10, P.S.- Supaul, District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Pd. Singh, Sr. Adv.
M/s Jharkhandi Upadhyay and
Bhaskar Shankar, Advts.

For the Respondent/s : Sri Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-07-2017 This appeal is for grant of pre-arrest bail in connection with Supaul P.S. Case No. 114 of 2017 registered for the offence under section(s) 427, 379, 324, 323, 504, 341, 506, 447, 147, 148, 149 of the Indian Penal Code and section(s) 3 (1) (r) (s), 3 (2) (va) of the SC/ST (POA) Act.

Submission of the learned counsel for the appellants is that though there is an allegation against the appellants that they have abused the informant by taking his caste name and also brutally assaulted him, but there is no injury report available on record. It has further been submitted that there is a land dispute between the parties and the father of appellant no. 2 has lodged a



title suit, vide Title Suit No. 62 of 2015, against the uncle/aunt of the informant and due to that reason they have falsely been implicated in this case.

Heard learned Special Public Prosecutor also. Learned Special Public Prosecutor has opposed the prayer for bail of the appellants submitting that a prima facie case under the abovementioned sections is made out against the appellants, as such, this appeal is not maintainable.

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

Let the appellants surrender before the court below and make prayer for regular bail, which will be considered by the Special Court and the Special Court after considering the submission as stated above and the materials available on record, will pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court.

With the above observation/direction, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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