

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1716 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

- =====
1. Lalan Kumar @ Lalan Yadav, son of Baldeo Yadav, resident of Village-
Horidih, Police Station- Nimchak Bathani, District- Gaya.
2. Banda Yadav @ Surendra Yadav, son of Narayan Yadav, resident of
Village- Raja Bigha, P.S.- Neemchak Bathani, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 03-07-2017 The appellants seek pre arrest bail in connection with

Bathani P.S. Case No. 01 of 2017, registered for offences
punishable under Sections 147, 148, 149, 448, 328, 379 and 427 of
the Indian Penal Code and section 27 of the Arms Act and Section
3(1)(R)(S) of SC/ST Act.

Allegation against the appellants that demanded toddy
from the informant and when he could not provide, they abused
him by taking his caste name and assaulted him and also took
away cash worth Rs. 50,000/-

It has been submitted on behalf of the appellants that as a
matter of fact the appellants have filed a case against the informant
and only to save his skin from the case filed by the appellants, he
has filed the present false case, which will appear from the fact
that though there is allegation of assault, however, no injury was



caused to the informant. Further the story of snatching Rs. 50,000/- is also not true as in the village nobody keeps such a huge cash with himself.

Learned Special P.P. opposed the prayer for bail and submitted that there is allegation against the appellants for abusing the informant by taking his caste name.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellants, as such, this appeal is not maintainable.

Let appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the submission of learned counsel for the appellants and also other materials available on record, shall pass an appropriate order, preferably 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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