

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1933 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Ajit Mishra, son of Luxmi Mishra
 2. Lalan Kumar Mishra, son of Ajit Kumar Mishra
 3. Chandrika Mishra, son of Luxmi Kant Mishra
 4. Prabhu Mishra @ Prabhu Narayan Mishra, son of Vido Mishra
 5. Narayan Mishra, son of Vido Mishra, all residents of village Mahmadpur Sakra, P.S. Bibhutipur, District Samastipur
 6. Suman Kumar Mishra @ Suman Kumar, son of Sri Ram Mishra
 7. Raman Kumar Mishra, son of Sri Ram Mishra, both residents of village Kalyanpur South, Tola Saraiya, P.S. Bibhutipur, District Samastipur
- Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ram Naresh Ray

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-08-2017 This appeal has been filed for grant of pre-arrest bail in connection with Bibhutipur P.S.Case No. 74 of 2016, G.R.No. 380 of 2016, registered under Sections 341, 342, 323, 325, 379, 504 of the Indian Penal Code and 3(i)(x) of SC/ST Act and for setting aside the impugned order dated 19.4.2017 passed by 1st Additional Sessions Judge, Samastipur.

Allegation as per FIR is that the appellants have tried to harvest the crops of informant and also abused him by taking his caste name and also assaulted him.

Submission of learned counsel for the appellants is that there is bonafide land dispute between the parties as parcha was



issued in the name of informant and appellants have challenged the same and the matter has been remanded back to the District Magistrate and allegation of abusing by taking caste name has been made in order to make the case serious against them.

Heard learned Special P.P., who has opposed the prayer for pre- arrest bail on the ground of maintainability of this appeal.

Having heard both sides and in view of above facts and circumstances, this appeal is not maintainable, rather appellants to surrender and pray for regular bail, which shall be considered on the basis of submission as made above, if possible on the same day, without being prejudiced by this order.

The appeal is disposed of with the above observation.

(Vinod Kumar Sinha, J)

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