

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1373 of 2017

Arising Out of PS.Case No. -167 Year- 2015 Thana -MANIGACHI District- DARBHANGA

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1. Laxmi Yadav Son of late Babujee Yadav Resident of Village- Gopalpur,
Police Station- Manigachhi, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-07-2017 This appeal is for grant of bail in connection with

Manigachhi P.S. Case No. 167 of 2015 registered for the

offence(s) under section(s) 448, 341, 323, 307, 427, 504 and 506

of the Indian Penal Code and section(s) 3 (i) (x) of the SC/ST

(POA) Act.

Allegation against the appellant is that he along with

other accused persons abused the informant by taking his caste

name and they also assaulted him.

Submission of the learned counsel for the appellant is

that there is general and omnibus allegation against the appellant

and the injuries are simple in nature which will appear from

Annexure-2 to this application and the co-accused has already

been granted bail by a coordinate Bench of this Court.



Heard learned Special Public Prosecutor also.

Learned Special Public Prosecutor has opposed the prayer for bail of the appellant on the ground that the appellant abused the informant by taking his caste name and also assaulted him so a *prima facie* case under the abovementioned sections is made out against him and further, the case is of year 2015 and now we are in the year 2017, 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 appellant 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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