

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2732 of 2017

Arising Out of PS.Case No. -13 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Mukesh Kumar @ Mukesh Patel
 2. Ramesh Kumar @ Ramesh Patel, both sons of Sri Lal Babu Patel, residents of village Dharampur, P.S. Bettiah Mufassil, District West Champaran

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Bettiah Muffassil P.S.Case No. 13 of 2016 registered for the offences punishable under Sections 341, 323, 325, 504, 34 of the Indian Penal Code and 3(1)(x) of SC/ST Act and for setting aside the order dated 21.8.2017 passed by 1st Additional District and Sessions Judge-cum-Special Judge, West Champaran, Bettiah.

Allegation against the appellants is of eve-teasing the informant and pressing her neck and misbehaving with her.

Submission of learned counsel for the appellants is that they have falsely been implicated in this case and, as a matter of



fact, police was found the case not true against appellant No.1 and has not sent up him for trial but learned Magistrate differing with the opinion of I.O. has taken cognizance against him.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellants on the ground of maintainability as cognizance has already been taken in this case.

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

Let appellants, above named, surrender within six weeks and pray for regular bail, which shall be considered by the court of Special Judge on the basis of materials available on record and also considering the fact that earlier final form was submitted against appellant No.1 and he will pass an appropriate order, if possible, on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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