

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2572 of 2017

Arising Out of PS.Case No. -245 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Angad Lal, Son of Nand Kishore Prasad @ Nawal Kishore,
2. Nand Kishore Prasad, Son of Late Brahamdeo Prasad, Both R/o Village-
Piprakhem, P.S.- Kalyanpur, District- East Champaran, Motihari.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-10-2017 Heard the parties.

The appellants seek pre arrest bail in Kalyanpur P.S.
Case No.245 of 2016 registered for the offence under Sections
448, 341, 323, 354, 307, 504/34 of the I.P.C. and Section 3(i) (x)
of SC/ST Act.

Allegation against the appellants along with others is of
abusing the informant by his caste name and assaulted him and his
wife and also outraging her modesty.

Submission of the learned counsel for the appellants is
that the occurrence took place at the darwaza of the informant and,
as such, it is not in public view. Hence, the offence is bailable.
Earlier the appellants were on bail.



Heard learned Spl.P.P. also who opposed stating that cognizance has been taken against the appellants, as such, appeal with regard to pre arrest bail is not maintainable.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is not maintainable. Let the appellants, above named, surrender before the learned Special Judge and pray for regular bail which will be considered by the learned Special Judge taking into account the aforesaid submission of the appellants and there is dispute between the parties and they were on police bail, he will dispose of the appeal on its own merit, if possible, on the same day, without being prejudiced by this order.

With the aforesaid observation this appeal stands disposed of.

(Vinod Kumar Sinha, J)

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