

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2218 of 2017

Arising Out of PS.Case No. -72 Year- 2017 Thana -GOPALPUR District- PATNA

- =====
1. Vinod Kumar Yadav @ Vinod Rai, Son of Late Ram Dayal Yadav,
 2. Karu Rai @ Mukesh Singh Son of Sri Ram Janam Rai, Both R/o
Village- Bariya, P.S.- Gopalpur, in the District of Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimal Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-09-2017 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 Gopalpur P.S. Case No.72 of 2017 registered for the offences punishable under Sections 147, 341, 323, 379, 504, 354 and 436 of the Indian Penal Code and 3(I)(X) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the order dated 04.07.2017 passed by learned Special Judge, SC/ST Act, Patna in A.B.P. No.3377 of 2017.

Allegation against the appellants, as per the FIR, is of setting the hut of the informant on fire and also trying to outrage the modesty of some of the members of the family of the informant.

Submission of learned counsel for the appellants is that the land belongs to the appellants and just with a view to dislodge the



appellants from the place of occurrence, the present case has been lodged making false and concocted allegation under the SC/ST Act. It has also been submitted that appellants have no criminal antecedents.

Heard learned Special P.P. also who opposes the prayer for pre-arrest bail of the appellants on the ground of maintainability of the appeal.

Having heard both sides and in view of facts and circumstances, I am not inclined to grant pre-arrest bail to the appellants.

Let appellants, above named, surrender before the court of Special Judge and pray for regular bail, which shall be considered on the basis of the fact that appellants claim the land to be their own land and the learned Special Judge shall also consider the other submissions made above, without being prejudiced by this order, preferably on the same day or the learned Special Judge shall pass an appropriate order/orders, which he deems fit and proper.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J.)

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