

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2691 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -JANKINAGAR District- PURNIA

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1. Dilip Kumar Ray @ Dilip Ray
 2. Hari Kishore Ray @ Bhutto Ray
Both Sons of Bindeshwary Ray
 3. Lalita Devi, W/o Mithilesh Yadav
 4. Md. Taiyab, son of Md. Mashine Miya
All R/o Village – Mirchhaiwari, Uttar Tola, P.S. – Janaki Nagar,
District – Purnea.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Manish Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-09-2017 Heard the parties.

The appellants seek pre-arrest bail in Janakinagar P.S. Case No.84 of 2017 registered for the offences under Sections 147, 148, 341, 323, 442, 379, 376, 511, 504, 506 of the I.P.C. and Section 3(i)(x) of SC/ST (POA) Act.

Allegation against the appellants is of entering into the house of the informant and abusing her calling her caste name and two co-accused, namely, Mithilesh Yadav and Sunil Ray also tried to outrage her modesty and on hulla the villagers came there then the appellants and other co-accused fled away and they used to threatened her to leave the place otherwise their house will be set on fire.

Submission of the learned counsel for the appellants is that



there is general and omnibus allegation against the appellants and specific allegation against the co-accused, namely, Sunil Ray and Mithilesh Yadav and not against the appellants. It has also been submitted that a counter case has been lodged by the appellant no.2 against the informant.

Heard learned Special P.P. also, who opposed the prayer for anticipatory bail on the ground of maintainability of the appeal. As the appellants have abused the informant by calling her caste name and also they forcibly tried to dispossess her from her house.

Having heard both sides and in view of the facts and circumstances, as stated above, appeal is not maintainable rather the appellants are directed to surrender before the court below and pray for regular bail, which will be considered by the court of learned Special Judge, on the basis of submission that there is case and counter case and one of the appellants is lady, and he will dispose of the prayer for bail of the appellants without being prejudiced by this order on its own merit.

With the aforesaid observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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