

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2553 of 2017

Arising Out of PS.Case No. -25 Year- 2015 Thana -KANHAULI District- SITAMARHI

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1. Siyaram Sah, Son of Narayan Shah.
2. Ram Nath Sah, Son of Pradeep Sah.
3. Shatrudhan Sah @ Shatrughana Sah, Son of Pragash Sah, All residents
of Village- Khopraha, P.S. Kanhauli, District- Sitamarhi.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-08-2017 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 Kanhauli P.S.Case No. 25 of 2015 registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and 3(1)(x) of SC/ST Act and for setting aside the impugned order dated 4.7.2017 passed by Additional District and Sessions Judge-I-cum-Special Judge, Sitamarhi.

Allegation as per FIR against the appellants is of abusing the informant and assaulting him.

Submission of learned counsel for the appellants is that police has submitted charge-sheet only against appellants Nos. 1



and 2 under Sections 341, 323, 504/34 IPC and 3(1)(x) of SC/ST Act. Further submission is that there is case and counter case and appellants are on police bail.

Learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground of maintainability of the appeal.

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

let appellants, above named, surrender before the court of Special Judge and pray for regular bail, which shall be considered on the basis of submission as made above as well as materials available on record and the court below will dispose it of, without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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