

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2969 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Ashok Yadav @ Ashok Kumar Yadav, Son of Ram Narayan Yadav,
2. Ram Narayan Yadav, Son of Late Sheoraj Yadav,
3. Bal Kanhai Yadav, Son of Late Mithu Raut,
4. Punesh Yadav @ Ramesh Yadav, Son of Bal Kanhai Yadav,
5. Umesh Yadav, Son of Bal Kanhai Yadav,
6. Munna Yadav, Son of Punehs Yadav @ Ramesh Yadav, All are residents
of Village- Dilulia, Police Station- Inerwa, District- West Champaran.

.... Appellants/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-11-2017 The appellants seek pre arrest bail in connection with Inerwa P.S. Case No. 40 of 2017, registered for offences punishable under Sections 147, 148, 149, 323, 324, 307, 379 and 504 of the Indian Penal Code and section 3(i)r(ii)(va) of SC/ST Act.

Allegation against the appellant no. 1 is of abusing the informant by caste name and against other appellants is of assault to the informant by various arms causing injury to informant.

It has been submitted on behalf of the appellants that no such occurrence has ever taken place rather earlier a case has been lodged by the appellants side against the informant in the year



2011, in which cognizance has been taken and only to put pressure on the appellants, this false case has been filed. Further all the injuries are simple in nature and though there is allegation of abuse, however, the same is not in public view.

Heard learned Special P.P. also.

Having heard both sides, in view of the fact that a *prima facie* case under the above mentioned Section of SC/ST Act is made out against the appellants, as such, this appeal is not maintainable.

Let appellants surrender before the special court and make prayer for regular bail and if any such application is filed, the special court after considering the above submissions of learned counsel for the appellants and also the submission that allegation of abuse is not in public view, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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