

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3138 of 2017

Arising Out of PS.Case No. -41 Year- 2016 Thana -SC/ST District- SITAMARHI

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Sajawal Rai S/O Late Pragas Raut, resident of Vill. Harpur Pipra, P.S. Majorganj, Dist. Sitamarhi.

.... Appellant/s

Versus

State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-11-2017 Heard the parties

The appellant seeks privilege of pre arrest bail in connection with SC/ST P.S.Case No.41 of 2016 for the offences under Section 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3 (i)(s) of SC/ST (POA) Act.

The allegation against the appellant is that he along with other accused persons has abused the informant by taking caste name and also tried to dispossess the informant from the land.

Submission of the learned counsel for the appellant is that the appellant is aged about 70 years old and suffering from brain hemorrhage also. Further submission is that the FIR itself show that possession of the land was taken away by the appellant and thereafter, the informant has taken the possession and now the appellant is trying to dispossess him. It has also been submitted



that once proceeding under Section 144 of the IPC had also been decided in favour of the appellant.

Heard learned Spl. P.P.

Having heard both sides and in view of allegation of abusing the informant by taking caste name, I am not inclined to grant privilege of the anticipatory bail to the appellant, however considering the statement that he is an old age persons and suffering from brain hemorrhage, let the appellant surrender within a period of six weeks and make prayer for regular bail, which will be considered by the learned Special Judge on the basis of materials available at that time. Considering the aforesaid facts and other materials available on the record, he will dispose of the application for bail of the appellant without being prejudiced by the order of this Court preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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