

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1889 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -SC/ST District- NAWADA

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1. Lalu Yadav son of Munna Yadav
2. Lila Devi wife of Munna Yadav
3. Munna Yadav son of Late Mahavir Yadav All are residents of village -
Budhaul Jhangal Beldari, P.S. - Town, District - Nawada (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-09-2017

Heard the parties.

The appellants are apprehending his arrest in connection with Nawada S.C./S.T. P.S. case No.02 of 2017, registered for offences punishable under Section 354 and 509 of the Indian Penal Code and Section 3(w) (r)(s)/3(2)(va) of SC/ST (Prevention of Atrocities Act) Act.

Allegation against the appellants is of dispossessing the family members of the informant from their land and also abusing him. The allegation against one of the co-accused is of assault by *lathi* and allegation against appellant no.2 is of thrashing the informant on the ground.

Submission of the learned counsel for the appellants



is that there is no allegation of abuse by taking caste name, as such no case is made out against the appellants under the provisions of Section 3 SC/ST (Prevention of Atrocities Act) Act .

Heard learned Special P.P. also, who has opposed the prayer for bail on the ground of maintainability as the allegation itself shows dispossession of the informant from his land.

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

Let the appellant above named surrender before the court of learned Special Judge and make prayer for regular bail, which will be considered on his own merit without being prejudiced by the order of this Court.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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