

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.892 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -SC/ST District- ARRARIA

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1. Kalanand Yadav, S/o Late Asharfi Yadav,
2. Dinesh Yadav, S/o Late Bidyanand Yadav,
3. Dilip Yadav, S/o Ramdeo Yadav,
4. Neuton Yadav, S/o Ramesh Yadav,
5. Chandan Yadav, S/o Jaldhar Yadav, All residents of Village- Raharia,
P.S.- Bhargama, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Pd. Singh
Mrs. Meena Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-05-2017 The appellants seek regular bail in connection with Araria SC/ST P.S. Case No. 01/2017, registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 427, 448, 364, 504, 506, 302, of Indian Penal Code and Section 3(1)(g)(s)(v) and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Allegation as per F.I.R is that appellants were fishing in the pond upon which informant objected and appellants went back, thereafter, on the next day, appellants came there variously armed and assaulted the informant and other family members including females and also abused him by calling his caste name.

It has been submitted on behalf of the appellants that only general and omnibus allegation has been levelled against all the



appellants and F.I.R itself shows that the dispute arose with regard to fishing in the pond for which a free fight took place between the parties, in which the informant has already called the leader of *Maale* and in the said fight two persons died including the said leader of *Maale* and many other sustained injuries and it cannot be said that who assaulted whom in the said free fight. Appellant no. 1 has been in judicial custody since 04.01.2017, appellant no. 2, 3 and 4 has been in judicial custody since 08.01.2017 and appellant no. 5 has been in judicial custody since 09.01.2017

Learned Special Public Prosecutor vehemently opposed the prayer for bail on the ground that two persons have been killed in the said scuffled apart from that several ladies members were also assaulted.

Having heard both sides, considering the aforementioned facts and circumstances and the nature of allegation, at this stage, I am not inclined to release the appellants on regular bail, this appeal is accordingly dismissed.

However, appellants may renew their prayer for bail in the court below itself after framing of charge in this case.

(Vinod Kumar Sinha, J)

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