

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2449 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

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1. Kamleshwari Chaudhary, Son of Late Chandradeo Chaudhary,
2. Krishna Chaudhary @ krishna Kumar Son of Ram Kishore Chaudhary,
Both are R/o Village- Bhadaia, P.S.- Mohiuddin Nagar, District-
Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate

For the Respondent/s : Mr. Dashrath Mehta, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 12-10-2017

Heard the parties.

The appellants seek pre arrest bail in Mohiuddin P.S.

Case No.52 of 2017 registered for the offence under Sections 435,
504, 506, 201/34 of the I.P.C., and Section 3(1)(r) of SC/ST
(POA) Act.

Allegation against the appellants is of abusing the
informant by calling caste name and also burning wheat crops of
the informant.

Submission of the learned counsel for the appellants
is that it is not the public view and further submits that appellant
no.1 is aged about 80 years. The land belongs to the appellants.



Heard learned A.P.P. also who opposed the submission on the ground of maintainability.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is not maintainable. Let the appellants, above named, surrender before the court below within seeks weeks from today and pray for regular bail which will be considered by the learned Special Judge taking into account the aforesaid submission of the appellants and other materials on record as well as appellant no.1 is aged 80 years, he will dispose of the appeal on its own merit, if possible, on the same day, without being prejudiced by this order.

With the aforesaid observation this appeal stands disposed of.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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