

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.1150 of 2016**

Arising Out of PS.Case No. -48 Year- 2016 Thana -SC/ST District- JAMUI

- =====
1. Ganauri Pandit son of Late Mahabir Pandit,
  2. Sudama Devi wife of Ganauri Pandit,
  3. Dablu Pandit son of Ganauri Pandit,
  4. Suma Devi wife of Dablu Pandit, all residents of Village-Sundartar, PS-Chakai, Distt-Jaumi.

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Pankaj Kumar Sinha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

4      17-03-2017                      Heard learned counsel for the appellants, learned Spl.PP as well as learned counsel for the Informant.

Learned counsel for the appellants has disputed the contentions made on behalf of informant under written statement by stating that he happens to be the land-owner and his interest is being attempted to be encroached illegally by prosecution party but in light of observation made under para-28 in the case of ***Bisheshwar Mishra v. State of Bihar*** as reported in ***2016(4) PLJR 1058***, the learned counsel for the appellants prays for passing an appropriate order.

Because of the fact that the allegation at a glance is to be perceived through the written report/Fardbeyan/complaint petition which, having exhausted at the present moment, exposed



prima facie case and that being so, instant appeal is disposed of in terms of para-28 of ***Bisheshwar Mishra v. State of Bihar*** (Supra).

However, it is made clear that during consideration of regular bail, no such barrier is found while considering the prayer and so the learned lower court will independently consider the prayer/plea of the appellants without being prejudiced by the instant order.

**(Aditya Kumar Trivedi, J)**

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