

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1020 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -MOKAMAH District- PATNA

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1. Anil Kumar Gupta @ Anil Gupta @ Gonu Sao son of Late Darogi Sao son of late Darogi Sao
 2. Deepak Verma @ Deepak Kr. Verma, son of Anil Gupta @ Gone Sao, Both are resident of village-Sahvegpur, Ward No. 22, PS-Mokama, District-Patna.
 3. Paras Ram son of late Rajo Ram, resident of village Pachmahlla, Ward No. 26, PS-Mokama, District-Patna.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 30-06-2017

This appeal is for grant of pre-arrest bail in connection with Mokama P.S. Case No. 33 of 2016 registered for the offences punishable under sections 448, 504, 388/34 of the Indian Penal Code and sections 3 (i) (x) of the SC/ST (POA) Act.

Allegation against the appellants, as per the F.I.R., is that they entered into the house of the informant and demanded Rs.1,00,000/-and also abused the informant by taking her caste name and further threatened that her son will be implicated in a case of murder if she refuses to give the aforesaid amount.

It has been submitted on behalf of the appellants that prior to filing of the present case, a case has been filed by the appellants side against the informant and her family members



under different sections of the Indian Penal Code, which is going on and due to that reason, the present case has been filed by the informant against the appellants.

Heard learned Special Public Prosecutor. Learned Special Public Prosecutor opposed the prayer for bail of the appellant stating that a prima facie case under the abovementioned sections is made out against the appellants, as such, this appeal is not maintainable.

Having heard both sides and in view of the allegation made in the F.I.R, this appeal is not maintainable. Let the appellants surrender before the Special Court and make prayer for regular bail, which will be considered by the Special Court that prior to filing of the present case, a case has been lodged by the appellants against the informant and her family members, which is pending and considering the aforesaid submission and the materials available on record, the Special Court will pass an appropriate order without being prejudiced by the order of this Court if possible on the same day..

With the above observation, this appeal is disposed of.

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(Vinod Kumar Sinha, J)

