

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1293 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -KHIJARSARAI District- GAYA

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1. Shiv Shankar Prasad Son of Late Lala Mahto.
2. Basant Prasad Son of Basudeo Mahto.
3. Ramanand Prasad Son of Late Mul Chand Mahto.
4. Ramasharay Prasad Son of Late Lakhan Mahto. All Resident of Village-Baliyari, P.S. Khizersarai, District Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhileshwar Dayal

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-06-2017 The appellants seek pre arrest bail in connection with Khizersarai P.S.Case No.36 of 2017, registered for offences punishable under Sections 341, 323, 504, 509, 508 & 307/34 Indian Penal Code and section 3(i)(r) (s) of SC/ST Act.

Allegation against the appellants is that they came along with the other accused persons variously with armed weapons and abused him by taking his caste name and also assaulted him. There is no allegation of assault against the appellants except Basant Prasad.

It has been submitted on behalf of the appellants that they have been falsely implicated in this case due to land dispute and the village politics.



Heard learned Special P.P. also, who has opposed the prayer for bail on the ground that *prima facie* allegation is against the appellants.

Having heard both sides and in view of allegation, this appeal is not maintainable.

Let the appellants surrender before the special court and make prayer for regular bail, which will be considered by him on the basis of submissions as made above as well as submissions made by the appellants and he will pass appropriate order , if possible on the same day without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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