

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.825 of 2017

Arising Out of PS.Case No. -246 Year- 2016 Thana -BALIA District- BEGUSARAI

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1. Manti Devi Wife of Late Karelal Tanti
2. Ram Ishwar Yadav, Son of Late Sita Ram Yadav Both Resident of
Village-Bhagatpur, P.S. Balia, District Begusarai.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sandeep Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 24.01.2017 passed in A.B.P. No. 118 of 2017/3 of
2017 by Special Judge, SC/ST Act, Begusarai, arising out of Balia
P.S.Case No. 246 of 2016 registered for the offences under
Sections 302/34 of the Indian Penal Code, 27 of the Arms Act and
3(i)(v) of Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act and for grant of pre-arrest bail to the appellants.

Appellants are named in the FIR.

It has been submitted on behalf of the appellants that
there is land dispute between the parties, which is evident from
FIR itself, as such, appellants have been falsely implicated in this



case and there is nothing against the appellants.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under Section 3(i)(v) of the Act is made out against the appellants, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable. Let appellants surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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