

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1842 of 2017

Arising Out of PS.Case No. -119 Year- 2016 Thana -ARWAL District- JEHANABAD

- =====
1. Rajeshwar Ram @ Sakarat, Son of Sri Dukhit Ram
 2. Mithilesh Kumar, Son of Rajeshwar Ram
 3. Pankaj Kumar, son of Rajeshwar Ram
- All R/o Village Lahladpur, P.S.- Rani Talab, Kanpa, District –
Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dilip Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 15-09-2017 Heard the parties.

The appellants seek pre-arrest bail in Arwal P.S. Case No.119 of 2016 registered for the offences under Section 302 of the I.P.C., 27 of the Arms Act and Section 3(2)(Va) of SC/ST (POA) Act.

Allegation against the appellants is that they are not named in the First Information Report, but later on it appears from the impugned order their names transpire during course of investigation and in several paragraphs of the case diary.

Submission of the learned counsel for the appellants is that they are not named in the First Information Report and nobody has seen the occurrence in this case. Appellants also belong to Scheduled Castes and Scheduled Tribes, and as such, the case



against the appellants under this Act is not made out.

Heard learned Special P.P. also, assisted by the informant.

Having heard both sides and in view of the facts and circumstances, as stated above, and considering the fact that case is under Section 302 of the I.P.C., I am not inclined to grant anticipatory bail to the appellants rather, let the appellants be surrendered before the court below and pray for regular bail which will be considered by the court of learned Special Judge on the basis of materials available on the record and in the case diary and dispose of the prayer for bail without being prejudiced by this order on its own merit.

With the aforesaid observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

AnilKrSinha/-

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