

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2592 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -SC ST District- VAISHALI(HAJIPUR)

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1. Kumod Kumar, Son of Late Jawala Tiwary
2. Umesh Tiwary, Son of Late Basdeo Tiwary
3. Pramod Tiwary, Son of Late Sakal Tiwary
4. Veeru Tiwary @ Keshav Kumar, Son of Vinod Tiwary
5. Tuddu Tiwary @ Neeraj Tiwary, Son of Vinod Tiwary Resident of Village- Sahori, P.S.- Sarai, District- Vaishali.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Nilesh Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with SC/ST Hajipur P.S. Case No. 13 of 2017 registered for the offences punishable under Sections 323, 504, 436/34 of the Indian Penal Code and 3(1)(r)(a), 3(2)(iv), 3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 8.8.2017 passed by Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur.

Allegation against the appellants is of abusing the informant by taking his caste name and there is also allegation that



they tried to dispossess him from his land.

Submission of learned counsel for the appellants is that there is land dispute between the parties from before and, as such, they have falsely been implicated in this case and further learned counsel has annexed copy of letter of the Circle Officer showing land dispute between the parties (Annexure-2).

Heard learned Special P.P., who has opposed the prayer for pre-arrest bail on the ground of maintainability.

Having heard both sides and in view of the facts and circumstances, this appeal is not maintainable.

Let the appellants, above named, surrender and pray for bail, which shall be considered by the learned Special Judge on the basis of submission, as stated above, as well as materials available on record and he will pass appropriate order without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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