

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2831 of 2017

Arising Out of PS.Case No. -149 Year- 2017 Thana -BELAGANJ District- GAYA

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1. Virendra Kumar Son of Ramashish Yadav
2. Vinod Yadav Son of Suresh Yadav null
3. Brajesh Kumar Son of Ramashish Yadav
4. Ramashish Yadav Son of Late Prameshwar Yadav All are Resident of Village-Sakir Bigha, Police Station-Belaganj, District-gaya.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Manish Kumar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Belaganj P.S. Case No. 149 of 2017 registered for the offences punishable under Sections 341, 323, 325, 34 of the Indian Penal Code and 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 24.8.2017 passed by Special Judge, Gaya.

Allegation against the appellants is that they have tried to dispossess the informant from his house by damaging the newly constructed wall and there is also allegation of abusing him.

Submission of learned counsel for the appellants is that



the land belongs to them and informant has tried to forcibly capture the same and, as such, scuffle took place between the parties and allegation of abusing him is false and concocted.

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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