

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2108 of 2017

Arising Out of PS.Case No. -137 Year- 2016 Thana -BITHAN BAZAR District- SAMASTIPUR

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1. Suraj Yadav, son of Late Banker Yadav,
2. Paltu Yadav, son of Ram Avtar Yadav, Both residents of Village- Kuaa,
P.S.- Bithan, District- Samastipur (Bihar).

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Ms. Mira Kumari

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-08-2017 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail to the appellant in connection with Bithan P.S.Case No. 137 of 2016 registered for the offences under Sections 341, 323, 427, 504, 506 of the Indian Penal Code and 3(1)(r)(s) of SC/ST Act and for setting aside the order dated 28.4.2017 passed by learned Additional Sessions Judge-I, Samastipur.

Allegation against the appellant is of abusing the informant by taking her caste name.

Submission of learned counsel for the appellant is that the land belongs to the appellant and informant used to tie buffaloes in his land and, as such, there is altercation between the



parties and there is case and counter case and the allegation of abuse is leveled in order to make the case serious against the appellant.

Learned Special P.P. has opposed the prayer for pre-arrest bail on the ground of maintainability of this appeal.

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

Let appellant surrender and pray for regular bail, which shall be considered on the basis of submission made above as well as materials available on record and disposed of by the court below without being prejudiced by this order, if possible, on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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