

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2368 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MANSAHI District- KATIHAR

- =====
1. Suman Kumar Yadav, Son of Ashok Yadav, Resident of Phulgari Gorgama, P.S.- Mansahi, District- Katihar.
 2. Hemant Jaishwal @ Hemant Kumar Choudhary, Son of Ramanand Jaishwal, Resident of Phulgari Gorgama, P.S.- Mansahi, District- Katihar.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjeet 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

3 08-09-2017 Heard learned counsel for the appellants and learned Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Mansahi P.S.Case No. 10 of 2017, G.R.No. 355 of 2017, registered for the offences punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the order dated 20.6.2017 passed by Additional Sessions Judge-I-cum-Special Judge, Katihar.

Allegation as per FIR against the appellants is of abusing the informant by taking his caste name and threatening him.

Submission of learned counsel for the appellants is that



prior to the present case, a case has been lodged by the appellants against the informant (Annexure-3) and while informant was in hospital, the appellants were made accused in the present case. Further submission is that the whole prosecution case is false and concocted and there is delay in lodging of FIR also.

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

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

Let appellants, named above, surrender and prayer for regular bail, which shall be considered by learned Special Judge on the basis of submission made above and specially there is case and counter case between the parties and he will pass an appropriate order without being prejudiced by this order.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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