

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2692 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Krishna Turi, Son of Churaman Turi,
2. Ram Prasad Turi, Son of Churaman Turi, Both of village- Tetaria
Barachatti, P.S. Barachatti, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-09-2017 Heard the parties.

The appellants seek pre-arrest bail in Barachatti P.S. Case No.125 of 2017 registered for the offences under Sections 342, 302, 120(B)/34 of the I.P.C., Section 27 of the Arms Act and Section 3(2-ra) of SC/ST (POA) Act.

Allegation as per the First Information Report against the appellants and several other co-accused persons is that they have taken away the husband of the informant and later on the informant heard sound of firing and her husband was dead.

Submission of the learned counsel for the appellants is that the case under SC/ST Act is not made out as they also belong to Scheduled Castes and Scheduled Tribes. Further submission is that so far the allegations are concerned, merely on suspicion they have



been made accused in this case. Nobody has seen the occurrence and the deceased has been killed by the Maoist.

Heard learned Special P.P. also, who opposed the prayer for anticipatory bail on the ground that the appellants were seen by the informant last taking away the deceased and later on his dead body was found.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the appellants rather they are directed to surrender before the court below and pray for regular bail, which will be considered by him on the basis of material available on record and the fact that other appellants are on bail without being prejudiced by this order on its own merit.

With the aforesaid observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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