

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1307 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -SC ST District- SIWAN

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1. Murat Yadav S/o Chaneshwar Yadav @ Chandan Yadav
 2. Pappu Yadav S/o Mohanlal Yadav
 3. Bhagwan Chaudhary @ Bhagwan Yadav
 4. Chandan Kumar S/o Chhathu Yadav
 5. Rakesh Yadav, S/o Rajdeo Yadav
 6. Ramesh Yadav S/o Jageshwar Yadav
 7. Raj Kumar Yadav @ Chhote Yadav
 8. Sadhu Yadav S/o Ram Belal Yadav
 9. Dudhnath Yadav S/o Late Munar Yadav All Resident of Village-
Hathaura Sirkathi Tola, P.S.- Hussainganj, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Varma, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 30-06-2017 The appellants seek pre-arrest bail in connection with SC/ST P.S. Case No. 5 of 2015 registered for the offences punishable under sections, 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and sections 3 (i) (r) (s) / 3(2) (va) of the SC/ST Act.

Allegation against the appellants, as per the F.I.R., is that while the informant was eating “Pakauri” at the shop of Kallu Sah, the accused persons including the appellants came there and started abusing the informant by taking his caste name. When he protested, he was assaulted by the accused persons. It has further



been submitted that the accused persons have taken away Rs.5,000/- from the pocket of the informant and they have also assaulted the customers who came at the said shop.

It has been submitted on behalf of the appellants that earlier a case has been filed by the appellants side against the informant and others and in retaliation, the present case has been filed by the informant and apart that no specific allegation has been attributed against any of the appellants and as such, no case is made out against them.

Heard learned Special Public Prosecutor. Learned Special Public Prosecutor opposed the prayer for bail of the appellant stating that there is an allegation against the appellants of assaulting and abusing the informant, who belongs to scheduled caste.

Having heard both sides, in view of the allegation made in the F.I.R, this appeal is not maintainable.

Let the appellants surrender before the Special Court and make prayer for regular bail, which will be considered by the Special Court on the submission that there is a counter case filed by the appellant as also no specific allegation has been attributed against any of the appellant. The Special Judge after considering the submission of the counsel for the appellant as well as the



materials available on record, will pass an appropriate order if possible on the same day without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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