

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2660 of 2017

Arising Out of PS.Case No. -449 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Krishna Yadav, Son of Late Gandhi Yadav, R/o Village- Ganesh Chak,
P.S.- Mchanpur, District- Gaya.

2. Video Yadav, Son of Sri Shyam Yadav, R/o Village- Sagarpur, P.S.-
Mohanpur, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nilesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-10-2017 Heard the parties.

The appellants seek pre arrest bail in Barachati
(Mohanpur) P.S. Case No.449 of 2017 registered for the offence
under Sections 363, 365 of the I.P.C. and Section 3(2)(va) of
SC/ST(POA) Act.

Allegation against the appellant that he had taken the
husband of the informant and he has not yet returned. The case is
under Sections 363, 365 of I.P.C and Section 3(2)(va) of
SC/ST(POA) Act.

Submission of the learned counsel for the appellants
is that the appellants have been falsely implicated in this case only
on the basis of suspicion and earlier also the husband of the



informant used to flee away and after some time he returned back and, as such, there is possibility of his going outside the village and after sometime he may return.

Heard learned Spl.P.P. also who opposed the aforesaid submission on the ground of maintainability.

Having heard both sides and in view of the submission that appeal is not maintainable, as such, the appeal is disposed of with observation that let the appellants, above named, surrender within a period of six weeks before the learned Special Judge and pray for regular bail which will be considered by the learned Special Judge taking into account the aforesaid submission of the appellants and there is dispute between the parties and they were on police bail, he will dispose of the appeal on its own merit, if possible, on the same day, without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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