

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3127 of 2017

Arising Out of PS.Case No. -484 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

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1. Mukesh Sah Son of Sri Kailash Sah
2. Kailash Sah Son of Late Shri Lakhan Sah
3. Sonajhari Devi Wife of Shri Jai Kishore Sah All residents of Village -
Baghauni, P.S. - Runnisaidpur, District - Sitamarhi.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Virendra Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-11-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Runnisaidpur P.S. Case No. 484 of 2015, registered for the offences punishable under Sections 364, 366A, 120B of the Indian Penal Code and 3(i)(xii), 4(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, including Sections 4/12 of POCSO Act and for setting aside the impugned order dated 18.2.2017 passed by Additional Sessions Judge-I, Sitamarhi.

Appellants are not named in the FIR and it appears that case has not been found true against appellants but later on learned Special Judge differing with the opinion of I.O. has taken



cognizance against the appellants and other accused persons.

Submission of learned counsel for the appellants is that there is nothing against the appellants.

Heard learned Special P.P. also, who has opposed the prayer for pre-arrest bail of the appellants on the ground that once cognizance has been taken this appeal is not maintainable.

Having heard both sides and in view of the facts and circumstances, this appeal is not maintainable, rather appellants to surrender and pray for regular bail, which shall be considered on the basis of submission made above and the materials available on record and disposed of preferably on the same day, without being prejudiced by this order.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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