

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1049 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Laxmeshwar Yadav son of Late Yogi Yadav
 2. Raj Kumar Yadav, son of Shri Laxmeshwar Yadav
 3. Jai Kumar Yadav, son of Shri Laxmeshwar Yadav
 4. Arun Yadav son of Pulkit Yadav @ Pulo Yadav
 5. Bhavesh Yadav, son of Pulkit Yadav @ Pulo Yadav

All residents of village : Khajuri, P.S. Sour Bazar, District-Saharsa

.... Appellants

Versus

The State of Bihar

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sameer Ranjan

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-06-2017 The appellants seek pre arrest bail in connection with A.B.A. No.120 of 2017 (arising out of Saur Bazar P.S.Case No.43 of 2016), registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and section 3(1)(x) of SC & ST Act.

Allegation as per F.I.R. against the appellant is that they went over the land of the informant to cremate dead-body and in which an scuffle took place between the parties due to that there is a case and counter case between the parties and lastly, a vague allegation has been alleged that they have abused them by taking caste name but no specific allegation has been alleged as there were altogether 11 accused persons.

It is submitted on behalf of the appellants that there is a case and counter case between the parties with respect to



cremation of the dead body in the land of the appellants, for which earlier also the informant and others had tried to create the same and for which another case has been lodged against them and the F.I.R. also shows that again they have come over the land to cremate the dead body and in order to put pressure on the appellants a general allegation has been alleged that the appellant and other accused persons have abused them by taking their caste name but it has not been mentioned as to who has said the same.

Heard learned Special P.P. also, who has opposed the privilege of pre-arrest bail of the appellants.

Having heard both sides, in view of the fact that there is a case and counter case between the parties and earlier also a case had been lodged for the same against the informant.

Considering this aspect of the matter, let the appellants surrender before the Special court within a period of four weeks, who will release them on provisional bail of Rs.25,000/- (Rupees Twenty Five Thousand only) in connection with A.B.A. No.120 of 2017 (arising out of Saur Bazar P.S.Case No.43 of 2016), subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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