

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2611 of 2017

Arising Out of PS.Case No. -65 Year- 2017 Thana -AMARPUR District- BANKA

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Nunu Bhagat @ Balendu Kumar, son of Lambodar Bhagat, resident of
village - Amarpur, P.S. - Amarpur, District - Banka.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Atul Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-11-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of pre-arrest bail in connection with Amarpur P.S. Case No. 65 of 2017, G.R.No. 781 of 2017, registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and 3(ii)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 25.2.2017 passed by Additional Sessions Judge-I, Banka.

Appellant is named in the FIR.

Submission of learned counsel for the appellant is that there is no eye-witness to the occurrence and he has been made accused only on the basis of hearsay evidence and due to the reason that the coal depot is running in the land of appellant and



except that there is nothing against him. Further submission is that as a matter of fact deceased was caught by the villagers while he was fleeing away in connection with theft of coal and for that an FIR was lodged by Vikash Mandal, son of Mahindra Mandal.

Heard learned Special P.P. also, who has opposed the prayer for pre-arrest bail of the appellants on the ground of maintainability.

Having heard both sides and in view of the facts and circumstances, this appeal is not maintainable, rather appellant 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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