

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2227 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -CHANDAUTI District- GAYA

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Brajesh Kumar Sinha @ Brajesh Yadav @ Brajesh Kumar, son of Sita Ram Prasad, resident of village Kujapi, P.S. Chandauti, District Gaya

.... Appellant

Versus

1. State of Bihar
2. Kaushalya Devi, wife of Rampati Paswan, resident of village Kujapi, P.S. Chandauti, District Gaya

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2017 Heard learned counsel for the appellant and learned Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Chandauti P.S. Case No. 81 of 2017 registered for the offences punishable under Sections 341, 323, 448, 354B, 504, 379/34 of the Indian Penal Code and 3(i)(x) of the SC/ST Act and for setting aside the order dated 4.7.2017 passed by Special Judge, Gaya.

Allegation as per FIR is of assault and there is also allegation of attempting to undress her.

Submission of learned counsel for the appellant is that he was not present at the time of occurrence as he was suffering from some ailment. Further submission is that there is case and counter



case between the parties and, as such, the present false case has been lodged against the appellant.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellant on the ground of maintainability of the appeal.

Having heard both sides and in view of facts and circumstances of the case, the appeal is not maintainable.

Let appellant surrender before the court of Special Judge and make prayer for regular bail, which shall be considered and disposed of on its own merit, without being prejudiced by this order, preferably on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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