

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2735 of 2017

Arising Out of PS.Case No. -23 Year- 2016 Thana -SC/ST District- SAMASTIPUR

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1. Ram Kishun Sahani
2. Raman Sahani Both Sons of Baleshwar Sahani
3. Pappu Sahani Son of Ram Kishun Sahani All residents of Village
Moglan Chak, P.S. Warisnagar, District - Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramchandra Sahni

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-11-2017 Heard the parties.

The appellants seek pre arrest bail in Samastipur P.S.
Case No.23 of 2016 registered for the offence under Sections 341,
323, 354, 504, 506/34 of the I.P.C. and Sections 3(1)(r) (S) (X)
(XI) of SC/ST (POA) Act.

Allegation against the appellants is of abusing him by
his caste name and also assaulting her.

Submission of the learned counsel for the appellants is
that there is delay of 14 days in lodging F.I.R. and the prosecution
case does not appear true.

Heard learned Special.P.P. also who opposed the prayer
for anticipatory bail on the ground of maintainability of appeal as



well as allegation of abusing the informant by her caste name. .

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is not maintainable. However, appellants are directed to surrender before the court below and pray for regular bail and on his so surrendering , the court below shall consider the same on its own merit, if possible, on the same day without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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