

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2784 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -SAHPUR District- BHOJPUR

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1. Ayodhya Yadav, Son of Late Bihari Yadav,
2. Dindayal Yadav Son of Late Bihari Yadav,
3. Dahari Yadav Son of Dindayal Yadav,
4. Santosh Yadav @ Santosh kr. Yadav Son of Ayodhya Yadav,
5. Manoj Yadav Son of Ayodhya Yadav, All are R/o Village- Birpur, P.S.- Shahapur, District- Bhojpur (Ara).

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-10-2017 Heard learned counsel for the appellants.

This appeal has been filed for grant of pre-arrest bail in connection with Shahpur P.S. Case No. 113 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 338, 427, 379 of the Indian Penal Code, 27 of the Arms Act and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the impugned order dated 18.8.2017 passed by Additional Sessions Judge-I, Bhojpur, Ara.

Allegation against the appellants is of abusing the informant by taking his caste name and also of assaulting causing



injuries to him.

Submission of learned counsel for the appellant is that no such occurrence has taken place, rather appellants have earlier filed a case against the informant and others and in order to create pressure upon the appellants the false and concocted case has been filed.

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

Having heard both sides and in view of the allegation, this appeal is not maintainable, rather appellants to surrender and pray for regular bail, which shall be considered by learned Special Judge on the basis of submission made above, specially there is case and counter case, as well as materials available on record and the court will pass an appropriate order without being prejudiced by this order, preferably on the same day.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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