

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3130 of 2017

Arising Out of P.S.Case No. -64 Year- 2017 Thana -SC/ST District- BHABHUA (KAIMUR)

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1. Ajay Gupta
2. Raj Grih Gupta
3. Jawaher Lal Gupta @ Tuntun Gupta @ Tuntun @ Tuntun Gupta All
Sl.No. 1-3 are sons of Motilal Gupta, All resident of Village- Tekarikala,
P.S.- Mohania, District- Kaimur (Bhabhua).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-11-2017 Heard the parties

The appellants seek privilege of pre arrest bail in connection with SC/ST (Bhabhua) P.S.Case No.64 of 2017 for the offences under Section 144, 447, 341, 323, 504 and 506 of the Indian Penal Code and Section 3 (i)(r)(s)(w)(f)(g) of SC/ST (POA) Act.

The allegation against the appellants is that they tried to dispossess the informant from the land that has been settled in his favour by the Government. There is also allegation that the accused persons have abused the informant by taking caste name.

Submission of the learned counsel for the appellants is that the land was earlier settled in the name of the grand father of the appellants and since then they are in possession of the land and now with a view to grab the land, the present case has been



lodged. They have also filed Annexure-2 in support of their contention that the land belongs to them.

Heard learned Spl. P.P., who has opposed the prayer for grant of bail of the appellants on the ground of maintainability.

Having heard both sides and in view of allegation of dispossessing the informant from the land, which had been earlier settled in his favour, this appeal is not maintainable rather let the appellants surrender within a period of six weeks and make prayer for regular bail, which will be considered by the learned Special Judge on the basis of the fact that the land was settled in the name of the grand father of the appellants since then they are in possession of the land and no such occurrence has taken place. Considering the foresaid facts and other materials available on the record, he will dispose of the application for bail of the appellants without being prejudiced by the order of this Court preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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