

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.915 of 2017

Arising Out of PS.Case No. -68 Year- 2016 Thana -KANHAULI District- SITAMARHI

- =====
1. Kishan Kumar son of Nagina Mahto
 2. Shashi Kumar @ Sushil Kumar son of Suresh Mahto
- Both are resident of village- Basahiya, P.S.- Kanhauli, District- Sitamarhi.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hans Lal Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 29-06-2017 The appellants seek pre arrest bail in connection with Kanhauli P.S.Case No.68 of 2016, registered for offences punishable under Sections 302, 201 & 120(B)/34 of the Indian Penal Code and section 3(2) (V) of SC/ST Act.

Allegation as per F.I.R. against the appellants is that they have killed husband of the informant and the case is made out under Section 302 of the Indian Penal Code as well as under Section 325 of the S.C. & S.T. (Prevention of Atrocities) Act.

It is submitted on behalf of the appellants that the F.I.R. itself shows that they have been made accused in this case only on the basis of suspicion and nothing has been attributed against them.

Heard learned Special P.P., who has opposed the prayer



for pre-arrest bail stating that the appellants are named in the F.I.R. and the case is made out under Section 3(ii)(v) of the S.C. & S.T. (Prevention of Atrocities) Act as well as Section 302 of the IPC as such this appeal is not maintainable

Let appellants surrender before the special court and make prayer fore regular and if any such application is filed, the special court after considering the submission of learned counsel for the appellants that they have been made accused only on the basis of suspicion and nothing else is there, shall pass an appropriate order, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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