

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3218 of 2017

Arising Out of PS.Case No. -138 Year- 2017 Thana -OBRA District- AURANGABAD

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1. Anil Yadav son of Late Ramdhani Yadav.
2. Arun Yadav son of Late Ramdhani Yadav.
3. Upendra Yadav @ Upendra Singh, son of Surya Yadav.
4. Bijendra Yadav, son of Surya Yadav.
5. Ranjeet Yadav, son of Ram Awadhesh Yadav.
6. Brajesh Yadav, son of Ram Dayal Yadav.
7. Ramjee Yadav, son of Janeshwar Yadav. All Resident of Village- Bichhanhan, P.S.- Khudwan, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kulanand Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-11-2017 Heard the parties.

The appellants seek *pre arrest bail* in connection with Obra P.S.Case No.138 of 2017 registered for offences punishable under Sections 341, 323, 379, 353, 420, 511, 504 and 40 of Bihar Mineral Concession Rule, 1972 and Section 3(i)(r), 2(1)(s)/3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is that while the informant intercepted the tractor and seized it, they came and started unloading the tractor in spite of protest and also abusing the informant by taking caste name.

Submission of the learned counsel for the appellants



is that a false and concocted case has been lodged as they have not fulfilled the undue desire of the informant as such they have been falsely implicated in the present case.

Heard learned Special P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of allegation as well as the fact that the appellants have taken law in their hands and got sand unloaded, I am not inclined to grant privilege of anticipatory bail, however, let the appellants surrender before the court of learned Special Judge and make prayer for regular bail, which will be considered by the learned Special Judge on allegation as well as submission of the learned counsel for the appellants and will pass appropriate order and dispose of the prayer for bail of the appellants if possible on the same day 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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