

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.403 of 2019

Arising Out of PS. Case No.-469 Year-2018 Thana- RUPASPUR District- Patna

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1. TINKU KUMAR @ TINKU YADAV, son of Satish Prasad, resident of Village-Chulhai Chak, beside Jagjeewan Stadium, P.S-Khagaul, Distt.-Patna.
 2. Deepak Kumar @ Deepak Yadav, son of Naresh Yadav @ Buti Yadav, resident of Village-Sabrinagar, P.S-Rupaspur, Distt.-Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 04-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 14.12.2018 passed by Additional District and Sessions Judge-IV-cum-Special Judge, SC/ST Act, Patna, in A.B.P. No.8618 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Rupaspur P.S.Case No. 469 of 2018, registered under Sections 341, 323, 307, 504, 34 of the Indian Penal Code, 27 of the Arms Act and Section 3(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they have made indiscriminate firing when the informant and others were on procession of immersion of Goddess of Durga, which did not hit him and also there is allegation that they abused the informant by taking his caste name.

Submission of learned counsel for the appellants is that the case is false and concocted and nobody had received injury.

Heard learned Special P.P.



Having heard both sides and in view of allegation, I am not inclined to grant privilege of anticipatory bail to the appellants, rather they should surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

This appeal is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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