

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.696 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- BITHAN BAZAR District- Samastipur

BRAHAM YADAV @ BRAHAMDEO YADAV Son of Late Ganeshi Yadav
Resident of Village- Tetrahi Bithan, P.S.- Bithan, District- Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rohit Tanti Son of Late Tilu Tanti Resident of Village- Tetrahi, P.S.- Bithan,
District - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-04-2019

The appellant seeks pre arrest bail in connection with Bithan P.S. Case No. 56 of 2018, registered for offences punishable under Sections 302, 323, 54, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act.

Allegation against the appellant and other accused persons that they came at the house of the informant and assaulted his father and mother and also abused them and specific allegation against the appellant that he thrashed the father of informant and strangled him to death.

It has been submitted on behalf of the appellant is that out and out false and fabricated allegation has been



levelled, which stand negated from the fact that in the postmortem report, the reason for death of the deceased has been opined as chronic lung disease and its complication.

Learned Special P.P. opposed the prayer for bail and submitted that there is direct allegation against the appellant that he assaulted and pressed the neck of the father of informant.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the appellant rather he should surrender before the court below and pray for regular bail and if any such application is filed the court below shall dispose of the same on the merit of the case, if possible on same day, without being prejudiced by the order of this Court.

This appeal is stand disposed of.

(Vinod Kumar Sinha, J)

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Transmission Date	

